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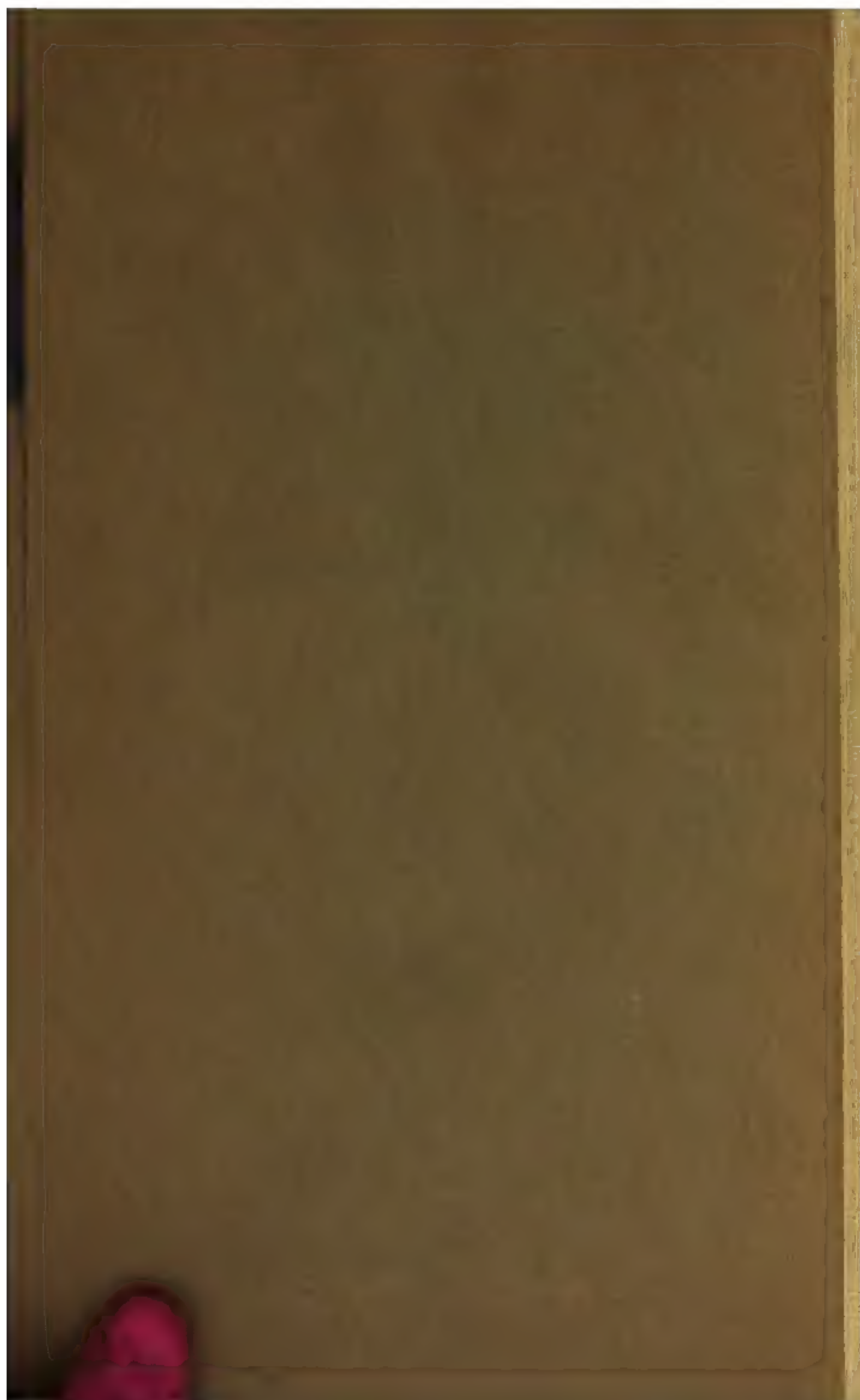
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A C T S

RELATING TO

THE ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

WITH

APPENDIX AND INDEX.

THIRD EDITION.

PRINTED FOR

, THE ECCLESIASTICAL COMMISSIONERS FOR ENGLAND,

BY

GEORGE B. EYRE AND ANDREW SPOTTISWOODE,

PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1844.



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ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

C. A. P. LXXVII.

An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage. [13th August 1836.]

WHEREAS His Majesty was pleased, on the fourth day of February and on the sixth day of June in the year one thousand eight hundred and thirty-five, to issue two several commissions to certain persons therein respectively named, directing them to consider the state of the several dioceses in England and Wales, with reference to the amount of their revenues, and the more equal distribution of episcopal duties, and the prevention of the necessity of attaching, by commendam, to bishopricks, benefices with cure of souls, and to consider also the state of the several cathedral and collegiate churches

Recital of Commissions, and Reports.

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in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church, and to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices: And whereas the said Commissioners have, in pursuance of such directions, made four several reports to His Majesty, bearing date respectively the seventeenth day of March one thousand eight hundred and thirty-five, and the fourth day of March, the twentieth day of May, and the twenty-fourth day of June one thousand eight hundred and thirty-six: And whereas the said Commissioners have, in their said reports, amongst other things, recommended—

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menda-
tions.

- * 1. That Commissioners be appointed by Parliament for the purpose of preparing and laying before His Majesty in council such schemes as shall appear to them to be best adapted for carrying into effect the following recommendations; and that His Majesty in council be empowered to make orders ratifying such schemes, and having the full force of law;
- 2. And that the diocese of Canterbury consist of the County of Kent, (except the city and deanery of Rochester, and those parishes which it is proposed to include in the diocese of London,) and of the parishes of Croydon and Addington, and the district of Lambeth Palace, in the county of Surrey;

* These figures (which correspond with the propositions in the Third Report of the Church Inquiry Commissioners) are placed here to facilitate reference in the Index.

3. And that the diocese of London consist of the city of London and the county of Middlesex, of the parishes of Barking, East Ham, West Ham, Little Ilford, Low Layton, Walthamstow, Wanstead, Saint Mary Woodford, and Chingford, in the county of Essex, all in the present diocese of London; of the parishes of Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, and Saint Nicholas Deptford, in the county of Kent, and Saint Paul Deptford, in the counties of Kent and Surrey, all now in the diocese of Rochester; of the Borough of Southwark, and the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, Rotherhithe, Streatham, Tooting Graveney, Wandsworth, Merton, Kew, and Richmond, in the county of Surrey and present diocese of Winchester; and of the parishes of Saint Mary Newington, Barnes, Putney, Mortlake, and Wimbledon, in the County of Surrey and in the peculiar jurisdiction of the Archbishop of Canterbury, together with all extra-parochial places locally situate within the limits of the parishes above enumerated, except the district of Lambeth Palace;
4. And that the diocese of Winchester be diminished by the transfer of the parish of Addington to the diocese of Canterbury, and of the before-mentioned parishes to the diocese of London;
5. And that the whole of the parish of Bedminster be transferred from the diocese of Bath and Wells

Wells to the diocese of Gloucester and Bristol;

6. And that the city and deanery of Bristol be united to the diocese of Gloucester; and that the southern part of the diocese of Bristol, consisting of the county of Dorset, be transferred to the diocese of Salisbury;
7. And that the diocese of Ely be increased by the counties of Huntingdon and Bedford, now in the diocese of Lincoln, by the deaneries of Lynn and Fincham in the county of Norfolk and diocese of Norwich, and by the archdeaconry of Sudbury in the county of Suffolk and diocese of Norwich, with the exception of the deaneries of Sudbury, Stow, and Hartismere, and by that part of the county of Cambridge which is now in the diocese of Norwich;
8. And that it be declared that the Scilly Islands are within the jurisdiction of the Bishop of Exeter and of the Archdeacon of Cornwall;
9. And that the sees of Gloucester and Bristol be united, and that the diocese consist of the present diocese of Gloucester, of the city and deanery of Bristol, of the deaneries of Cricklade and Malmesbury in the county of Wilts and now in the diocese of Salisbury, and of the whole of the parish of Bedminster, now in the diocese of Bath and Wells;
10. And that to the diocese of Hereford be added the deanery of Bridgnorth, now locally situated between the dioceses of Hereford and Lichfield; and that those parts of the counties of Worcester and Montgomery which are now in the diocese

- diocese of Hereford be transferred to the dioceses of Worcester and Saint Asaph and Bangor respectively ;
11. And that the diocese of Lichfield consist of the counties of Stafford and Derby ;
 12. And that the diocese of Lincoln consist of the counties of Lincoln and Nottingham ; and that the latter county, now in the diocese and province of York, be included in the province of Canterbury ;
 13. And that the diocese of Norwich consist of the counties of Norfolk and Suffolk, except those parts which it is proposed to transfer to the diocese of Ely ;
 14. And that the diocese of Oxford be increased by the county of Buckingham, now in the diocese of Lincoln, and by the county of Berks, now in the diocese of Salisbury ;
 15. And that the diocese of Peterborough be increased by the county of Leicester, now in the diocese of Lincoln ;
 16. And that the diocese of Rochester consist of the city and deanery of Rochester, of the county of Essex (excepting the parishes which it is proposed to leave in the diocese of London), and of the whole county of Hertford ;
 17. And that to the diocese of Salisbury, reduced according to the foregoing propositions, be added the county of Dorset, now in the diocese of Bristol ;
 18. And that the diocese of Worcester consist of the whole counties of Worcester and Warwick ;

19. And that the sees of Saint Asaph and Bangor be united, and that the diocese consist of the whole of the two existing dioceses (except that part of the diocese of Saint Asaph which is in the county of Salop) and of those parts of the county of Montgomery which are now in the dioceses of Saint David's and Hereford;
20. And that the diocese of Llandaff consist of the whole counties of Glamorgan and Monmouth;
21. And that the diocese of Saint David's be altered by the transfer of those parts of the counties of Montgomery, Glamorgan, and Monmouth which it is proposed to include in the respective dioceses of Saint Asaph and Bangor and Llandaff;
22. And that the diocese of York consist of the county of York, except such parts thereof as it is proposed to include in the new diocese of Ripon;
23. And that the diocese of Durham be increased by that part of the county of Northumberland called Hexhamshire which is now in the diocese of York;
24. And that *the sees of Carlisle and * Sodor and Man be united, and that the* diocese consist of the present diocese of Carlisle, of those parts of Cumberland and Westmorland which are now in the diocese of Chester, of the deanery of Furnes and Cartmel in the county of Lancaster, of the parish of Aldeston, now

* Repealed by 1 & 2 Vict. c. 30. p. 27.

in the diocese of Durham, *and of the Isle of Man* ;

25. And that the diocese of Chester consist of the county of Chester, of so much of the county of Flint as is now in that diocese, and of so much of the county of Salop as is not in the diocese of Hereford ; and that the whole diocese be included in the province of York ;
26. And that two new sees be erected in the province of York, one at Manchester and the other at Ripon ;
27. And that the diocese of Manchester consist of the whole county of Lancaster except the deanery of Furnes and Cartmel ;
28. And that the diocese of Ripon consist of that part of the county of York which is now in the diocese of Chester, of the deanery of Craven, and of such parts of the deaneries of the Ainsty and Pontefract in the county and diocese of York as lie to the westward of the following districts ; videlicet, the liberty of the Ainsty and the wapentakes of Barkston Ash, Osgoldcross, and Staincross ;
29. And that all parishes which are locally situate in one diocese, but under the jurisdiction of the bishop of another diocese, be made subject to the jurisdiction of the bishop of the diocese within which they are locally situate ;
30. And that such variations be made in the proposed boundaries of the different dioceses as may appear advisable, after more precise information respecting the circumstances of particular parishes or districts ;

31. And that the bishops of the two newly erected sees be made bodies corporate, and be invested with all the same rights and privileges as are now possessed by the other bishops of England and Wales, and that they be made subject to the metropolitan jurisdiction of the Archbishop of York ;
32. And that the collegiate churches of Manchester and Ripon be made the cathedrals, and that the chapters thereof be the chapters of the respective sees of Manchester and Ripon, and be invested with all the rights and powers of other cathedral chapters ; and that the members of these and of all other cathedral churches in England be styled dean and canons ;
33. *That the chapter of Carlisle be the chapter of the united see of Carlisle and Man ** ;
34. That the bishops of the see of Saint Asaph and Bangor be elected alternately by the dean and chapter of Saint Asaph and by the dean and chapter of Bangor ;
35. That the bishops of the see of Bristol and Gloucester be elected alternately by the dean and chapter of Bristol and by the dean and chapter of Gloucester ;
36. That power be given to determine the future mode of confirming such acts of the bishop of either of the united sees as may require confirmation by a dean and chapter ;
37. And that upon the first avoidance of either of the sees of Saint Asaph or Bangor and of

* See Note, p. 6.

Gloucester or Bristol the bishop of the other of the sees proposed to be united become ipso facto bishop of the two sees, and thereupon become seised and possessed of all the property, advowsons, and patronage belonging to the see so avoided;

38. And that the jurisdiction of the bishop's court in each diocese be co-extensive with the limits of the diocese as newly arranged:
39. And that such arrangements be made with regard to the apportionment of fees payable to the officers of the several diocesan courts as may be deemed just and equitable, for the purpose of making compensation to those officers who may be prejudiced by the proposed alterations;
40. And that such alterations be made in the apportionment or exchange of ecclesiastical patronage among the several bishops as shall be consistent with the relative magnitude and importance of their dioceses when newly arranged, and as shall afford an adequate quantity of patronage to the bishops of the new sees;
41. And that, in order to provide for the augmentation of the incomes of the smaller bishopricks, such fixed annual sums be paid to the Commissioners out of the revenues of the larger sees respectively as shall, upon due inquiry and consideration, be determined on, so as to leave as an average annual income to the Archbishop of Canterbury fifteen thousand pounds, to the Archbishop of York ten thousand pounds, to the

the Bishop of London ten thousand pounds, to the Bishop of Durham eight thousand pounds, to the Bishop of Winchester seven thousand pounds, to the Bishop of Ely five thousand five hundred pounds, to the Bishop of St. Asaph and Bangor five thousand two hundred pounds, and to the Bishop of Worcester and Bath and Wells respectively five thousand pounds ;

42. And that out of the fund thus accruing fixed annual payments be made by the Commissioners, in such instances and to such amount as shall be in like manner determined on, so that the average annual incomes of the other bishops respectively be not less than four thousand pounds nor more than five thousand pounds ;
43. And that at the expiration of every seven years, reckoning from the 1st day of January one thousand eight hundred and thirty-seven, a new return of the revenues of all the bishoprics be made to the Commissioners, and that thereupon the scale of episcopal payments and receipts be revised, so as to preserve, as nearly as may be, to each bishop, an amount of income equivalent to that which shall have been determined in the first instance to be suitable to the circumstances of his bishopric, and that such revised scale take effect as to each see respectively upon the then next avoidance thereof* ;

* See also 3 & 4 Vict. c. 113. s. 77. p. 75, 5 & 6 Vict. c. 26. s. 4. p. 113, and 5 & 6 Vict. c. 108. ss. 10. 14. pp. 156. 159.

44. And that if, in determining the mode of regulating the episcopal incomes, either in the first instance or on any future revision of them, it shall be deemed expedient to make the alteration required, in any case, by the subtraction or addition of any * real estates †, such real estates be transferred accordingly ;
45. And that out of the property of the see of Durham provision be forthwith made for the completion of those augmentations of poor benefices which the late bishop (meaning thereby the late Right Reverend William Van Mildert) had agreed to grant, but which he left uncompleted at the time of his death ;
46. And that the Bishop of Durham do in future hold the Castle of Durham in trust for the University of Durham, and that all expences of maintaining and repairing the same be defrayed by the University of Durham ;
47. And that so soon as the relative values of the several sees under the new arrangements shall have been ascertained apportionment be made of the sums to be thereafter paid by the respective bishops for first fruits, so as to leave the aggregate amount payable from all the sees to the bounty of Queen Anne the same as at present ; and that the bishops who shall on the present vacancies succeed to the sees of Durham and Ely be relieved from the excess beyond their due proportion payable for first

* For the construction of these words see 4 & 5 Vict. c. 39. s. 29. p. 108.

† See also 3 & 4 Vict. c. 113. s. 68. p. 70. and 4 & 5 Vict. c. 39. s. 21. p. 101.

fruits, and that the residue of the sums due be paid by the Commissioners out of the surplus funds arising from those sees ;

48. And that the tenths to be hereafter payable by the respective bishops be regulated by the amount of the first fruits payable under the preceding propositions ;
49. And that none of the proposed alterations affecting the boundaries or jurisdiction of any diocese, or the patronage of benefices with cure of souls, or the revenues belonging to any see the bishop of which was in possession on the fourth day of March one thousand eight hundred and thirty-six, take effect until the avoidance of the see without the consent of such bishop ;
50. And that no ecclesiastical dignity, office, or benefice be in future granted to any bishop to be held in commendam*, but that such of the endowments of certain prebends in the cathedrals of Lincoln, Lichfield, Exeter, and Salisbury as now belong to the bishops of the respective dioceses continue annexed to the respective sees† ;
51. And that fit residences be provided for the bishops of Lincoln, Llandaff, Rochester, Manchester, and Ripon ; and that, for the purpose of providing the bishop of any diocese with a more suitable and convenient residence ‡ than that which now belongs to his see, sanction be given for purchases or exchanges of houses or

* See this Act, s. 18. p. 21.

† See 3 & 4 Vict. c. 113. s. 51. apud finem, p. 59.

‡ Extended by 5 & 6 Vict. c. 26. s. 1. p. 112.

lands, or for the sale of lands * belonging to the respective sees, and also, where it may be necessary, for the borrowing by any bishop of a sum not exceeding two years income of his see, upon such terms as shall appear to be fit and proper; and that the governors of the bounty of Queen Anne be empowered to lend money upon mortgage to such bishops;

52. And that so much of the sum of six thousand pounds recovered by the late Bishop of Bristol for damages done to the episcopal residence at Bristol, and of its accumulations, as may remain after deducting proper expences, together with the money arising from the sale of the site of such residence, if sold, be applied to the purchase or erection of a residence for the bishop of the see of Bristol and Gloucester;
53. And that new archdeaconries of Bristol, Maidstone, Monmouth, Westmorland, Manchester, Lancaster, and Craven be created, and that districts be assigned to them†; and that archidiaconal power be given to the dean of Rochester within that part of Kent which will remain in the diocese of Rochester; and that the limits of the other existing deaneries and archdeaconries be newly arranged, so that every parish and extra-parochial place be within a rural deanery, and every deanery within an archdeaconry, and that no archdeaconry extend beyond the limits of one diocese;

* For the construction of the word "Lands," see 4 & 5 Vict. c. 39. s. 29. p. 108.

† See also 3 & 4 Vict. c. 113. s. 32. p. 45.

54. And that all the archdeaconries of England and Wales be in the gift of the bishops of the respective dioceses in which they are situate; and that all archdeacons have and exercise full and equal jurisdiction within their respective archdeaconries* :

Commis-
sioners
named,

And whereas it is expedient that the said recommendations should be carried into effect as soon as conveniently may be: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the Lord Archbishop of Canterbury for the time being, the Lord Archbishop of York and the Lord Bishop of London for the Time being, John Lord Bishop of Lincoln, James Henry Lord Bishop of Gloucester, the Lord High Chancellor of Great Britain, the Lord President of the Council, the Lord High Treasurer or the First Lord of the Treasury, and the Chancellor of the Exchequer, for the time being respectively, and such one of His Majesty's Principal Secretaries of State as shall be for that purpose nominated by His Majesty under His royal sign manual, (such Lord Chancellor, Lord President, Lord High Treasurer or First Lord of the Treasury, Chancellor of the Exchequer, and Secretary of State being respectively members of the United Church of Great Britain and Ireland,) the Right Honourable Dudley Earl of Harrowby, the Right Honourable Henry Hobhouse, and the Right

* See this Act, s. 19. p. 22.

Honourable Sir Herbert Jenner, Knight*, shall for the purposes of this Act be one body politic and corporate by the name of “The Ecclesiastical Commissioners for England,” and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have power and authority to take and purchase and hold lands, tenements, and hereditaments, to them, their successors, and assigns, for the purposes of this act, the statutes of mortmain, or any other act or acts, to the contrary hereof notwithstanding. †

and incor-
porated.

II. And be it enacted, *that the two last-named bishops and the three last-named lay Commissioners shall be at all times ‡ removable by His Majesty in council by warrant under the sign manual †; and that when any vacancy shall occur, by death, removal, resignation, or otherwise, among the two last-named bishops § and the three last-named lay Commissioners, or among such of the future Commissioners under this act as shall not have become such Commissioners by virtue of any dignity or office, according to the provisions of this act, it shall be lawful for His Majesty to fill up such vacancy by appointing under His royal sign manual, instead of any such Commissioner being a bishop some other bishop of England or Wales, and instead of any such Commissioner being a layman some other layman, being a member of the said church, to be a Commissioner under this act; and*

How va-
cancies to
be supplied.

* For additional Commissioners see 3 & 4 Vict. c. 113. s. 78. p. 76.

† See also 6 & 7 Vict. c. 37. s. 22. p. 189.

‡ Power of removal repealed by 3 & 4 Vict. c. 113. s. 81. p. 77.

§ All the Bishops made Commissioners ex officio by 3 & 4 Vict. c. 113. s. 78. p. 76.

every

every such *bishop or person* so to be appointed shall accordingly become to all intents and purposes one of the Commissioners for the purposes of this act.

Commis-
sioners to
subscribe a
declaration.

III. And be it enacted, that every such Commissioner, whether herein named or hereafter to be appointed, not being an archbishop or bishop, shall, before acting under the said Commission, and at the first meeting he shall attend, subscribe in the book of the minutes of the proceedings of the said Commissioners a declaration in the words following :

“ I DO hereby solemnly, and in the presence of
“ God, testify and declare, That I am a member
“ of the United Church of England and Ireland as
“ by law established. Witness my hand this
“ day of .”

Five Com-
missioners
to form a
quorum.

IV. And be it enacted, that all acts, matters, and things which the said Commissioners are by any of the provisions of this act authorized or required to do and perform shall and may be done and performed by any five of such Commissioners: provided always, that such five Commissioners be for such purpose assembled at a meeting whereof due notice * shall have been given to all the said Commissioners.

Assent of
two Epis-
copal Com-
missioners
essential to
acts under
seal, &c.

V. Provided always, and be it enacted, that no proceeding which requires to be ratified and confirmed by the common seal of the corporation shall be finally concluded, nor the said seal affixed to any deed or instrument, save at a meeting whereof notice shall have been in like manner given, and

* See also 3 & 4 Vict. c. 113. s. 82. p. 78., and 4 & 5 Vict. c. 39. s. 1. p. 86.

whereat

whereat two at least of the said Episcopal Commissioners shall be personally present: Provided also, that in case any two Episcopal Commissioners, being the only Episcopal Commissioners present, shall object to the ratification and confirmation of any such proceeding as aforesaid, or to the affixing of such seal to any deed or instrument as aforesaid, such ratification or affixing of the seal shall not take place until a subsequent meeting of the Commissioners shall have been held, after due notice thereof shall have been given.

VI. And be it enacted, that at each meeting of the said Commissioners the Commissioner first in rank and precedence there present shall preside as chairman, and in case of the equality in rank and precedence of all the Commissioners so present then the senior Commissioner in the order of appointment shall so preside; and the chairman at all such meetings shall not only vote as a Commissioner, but shall also in case of the equality of votes have the casting or decisive vote.

Who to be chairman.

VII. And be it enacted, that the said Commissioners may from time to time appoint a treasurer and secretary, and such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, may remove such ** treasurer, secretary*, clerks, messengers, and officers, or any of them, and appoint others in their stead: Provided always, that the amount of the salaries of such treasurer, secretary, clerks, messengers, and officers shall from time to time be

Commissioners to appoint a treasurer, secretary, and other officers.

* But see 3 & 4 Vict. c. 113. s. 91. p. 81.

regulated by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any three or more of them.

Secretary
to make
and keep
minutes.

VIII. And be it further enacted, that the secretary or other officer of the said Commissioners shall keep a book, in which he shall make minutes of the proceedings of the said Commissioners at their several meetings, and enter the names of the Commissioners present thereat; and such entry of the proceedings at each meeting shall be signed by the chairman thereof.

Commis-
sioners may
call and
examine
witnesses,
&c. and ad-
minister an
oath or de-
claration.

IX. And be it enacted, that it shall be lawful for the said Commissioners, by summons under the hand of the chairman of any such meeting, to require the attendance of any person whom they shall think fit to examine touching any matter within their cognizance, also to make any inquiries, and call for any answers or returns, as to any such matter, and also to administer oaths, and examine every such person upon oath, and to cause to be produced before them, upon oath, all statutes, charters, grants, rules, regulations, bye laws, books, deeds, contracts, agreements, accounts, and writings whatsoever, or copies thereof respectively, in anywise relating to any such matter; or, in lieu of requiring such oath as aforesaid, the said Commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of his examination.

Commis-
sioners to
lay schemes
before the
King in

X. And be it enacted, that the said Commissioners shall from time to time prepare, and lay before His Majesty in council, such schemes* as shall appear to

* See also, as to notice of schemes, 3 & 4 Vict. c. 113. s. 83. p. 79.

the said Commissioners to be best adapted for carrying into effect the herein-before recited recommendations, and shall in such schemes recommend and propose such measures as may, upon further inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for carrying such recommendations into full and perfect effect: Provided always, that nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such scheme such modifications or variations as to matters of detail and regulation as shall not be substantially repugnant to any or either of the said recommendations, and in particular that it shall be competent to the said Commissioners to propose in any such scheme that all parishes, churches, or chapelries which are locally situate in any diocese, but subject to any peculiar jurisdiction other than the jurisdiction of the bishop of the diocese in which the same are locally situate, shall be only subject to the jurisdiction of the bishop of the diocese within which such parishes, churches, or chapelries are locally situated.

council for carrying into effect foregoing recommendations.

* XI. *And be it enacted, that the said Commissioners shall prepare, and lay before His Majesty in council, such scheme as shall appear to the said Commissioners to be best adapted for preventing the appointment of any clergyman not fully conversant with the Welsh language to any benefice with cure of souls in Wales in any parish the majority of the inhabitants of which do not understand the English language.*

For preventing appointment of clergymen in Wales not acquainted with the Welsh language.

* Repealed, and a more general enactment substituted, by 1 & 2 Vict. c. 106. ss. 103, 104. See Appendix, p. 315.

King in council may make orders for carrying schemes into effect; which shall be registered in each diocese respectively;

XII. And be it enacted, that when any scheme prepared under the authority of this Act shall be approved by His Majesty in council it shall be lawful for His Majesty in council to issue an order or orders ratifying the same, and specifying the time or times when such scheme or the several parts thereof shall take effect, and to direct in every such order that the same be registered by the registrar of each of the dioceses the bishops whereof may or shall be in any respect affected thereby, and in any newly-created diocese by such person as shall be for that purpose named in such order, which person shall in such last-mentioned diocese become registrar there, and so continue as long as he shall demean himself well in his office.

and gazetted;

XIII. And be it enacted, that every such order shall, as soon as may be after the making and issuing thereof by His Majesty in council, be inserted and published in the London Gazette.

and then to be of full effect for all purposes and as to all persons.

XIV. And be it enacted, that so soon as any such order in council shall be so *registered** and gazetted it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this act, any law, statute, canon, letters patent, grant, usage, or custom to the contrary notwithstanding.

Copies of orders to be laid before Parliament.

XV. And be it enacted, that a copy of every order of His Majesty in council made under this act shall be laid before each house of Parliament in the month of January in every year, if Parliament shall be then sitting, or if Parliament be not

* But see 3 & 4 Vict. c. 113. s. 86. p. 80.

then

then sitting within one week after the next meeting thereof.

XVI. And be it enacted, that the registrar of every diocese to whom any order of His Majesty in council made by virtue of this Act shall be delivered shall forthwith register the same in the registry of his diocese; and the persons who shall be for that purpose appointed in the dioceses of Manchester and Ripon shall forthwith register every such order in books to be by them for that purpose provided, which shall thenceforth become the registry of those dioceses respectively; and if any such registrar or other person shall refuse or neglect to register any such order he shall for every day during which he shall so offend forfeit twenty pounds, and if his offence shall continue for the space of three months he shall forfeit his office, and it shall be lawful for the bishop of the diocese, or for His Majesty, as the case may be, to appoint a successor thereto.

Registrars to register all orders, subject to a penalty for neglect.

XVII. And be it enacted, that for such registration as aforesaid no registrar shall be entitled to receive any fee or reward, but that on every search for any such order he shall be entitled to receive a fee of three shillings, and for every copy or extract of any such order certified by him he shall be entitled to receive for every folio of ninety words four-pence; and the copy of every such entry, certified by the registrar, shall be admissible as evidence in all courts and places whatsoever.

Fee to registrar.

XVIII. And be it enacted, that after the passing of this act no ecclesiastical dignity, office, or benefice shall be held in commendam by any bishop, unless

No commendams to be held by bishops.

he shall so hold the same at the time of passing thereof; and that every commendam thereafter granted, whether to retain or to receive, and whether temporary or perpetual, shall be absolutely void, to all intents and purposes.

Jurisdiction of archdeacons.

XIX. And be it enacted, that all archdeacons throughout England and Wales shall have and exercise full and equal jurisdiction within their respective archdeaconries, any usage to the contrary notwithstanding.

This act not to affect the jurisdiction of the ecclesiastical courts for one year.

* XX. And whereas it may be expedient to consider the state and jurisdiction of all the ecclesiastical courts in England and Wales; be it enacted, that nothing herein contained, nor any order of His Majesty in council made under the authority of this Act, either for altering the limits of either of the existing provinces or the boundaries of any existing diocese or archdeaconry, or for uniting any existing sees, or for creating any new bishopric or archdeaconry, or for appointing any registrar under the provisions of this act, or for any other purpose whatever, shall for one year after the passing of this act, or if Parliament shall be then sitting till the end of the session of Parliament, in any manner affect or be construed to affect the jurisdiction, power, or authority of any or either of the existing ecclesiastical courts in England or Wales, or the extent or limits thereof, but that during such period as last aforesaid every such court shall continue in all

* Sections XX. to XXV. inclusive, having been from time to time continued, are still further continued, until 1st Oct. 1844, with a proviso as to visitations, by 6 & 7 Vict. c. 60. p. 195.

matters whatsoever arising within its present limits to exercise the same jurisdiction as heretofore by law allowed.

* XXI. And be it enacted, that in all cases of monitions to reside, and monitions for the payment of the stipends of curates, and of proceedings consequent thereupon, except as herein-after excepted, and in all cases of licences granted to spiritual persons, the same shall issue only under the authority and in the name of the bishop of the diocese, whether such diocese be according to the present territorial limits or as altered or newly created under the authority of this act: Provided always, that if it be necessary to institute in any ecclesiastical court proceedings thereupon or in consequence thereof, such proceedings shall be commenced, carried on, and decided in and by the same court which at the time of the passing of this act would be entitled to exercise jurisdiction in such matters respectively, and in the case of proceedings at the instance of a bishop, in the name of the judge of such court: Provided also, that nothing herein contained shall affect any peculiar belonging to either of the archbishops at the time of the passing of this act, but that every such peculiar, except as may be otherwise provided by any order of His Majesty in council, made and issued in pursuance of this act, shall to all intents and purposes and in all respects remain subject to the same authority and jurisdiction as if this act had not been passed.

Monitions
to reside
and for
payment of
stipends,
&c. to issue
in name of
the bishop;

same court
to have
jurisdiction
therein as
at present

* See Note, p. 22.

Law of
bona nota-
bilia not
altered for
one year.

* XXII. And be it enacted, that nothing herein contained, nor any such order in council as aforesaid, shall, during such period as last aforesaid, be construed to alter in any respect whatsoever the law of bona notabilia as it exists at the time of the passing of this act, notwithstanding any change of province, diocese, archdeaconry, or any other jurisdiction whatsoever.

Marriage
licences.

* XXIII. And be it enacted, that all marriage licences shall during such period as last aforesaid continue to be granted in the same manner and by the same authorities respectively as before the passing of this Act.

Ecclesias-
tical courts
to enforce
production
of docu-
ments.

* XXIV. And be it enacted, that during such period every ecclesiastical court in which any proceedings shall be had shall have power to send for and enforce the production of all original instruments and documents relating to such proceedings by whatever ecclesiastical authority the same may have been issued.

Future ap-
pointments
to offices in
ecclesiasti-
cal courts
not to give
a vested
interest.

* XXV. And be it further enacted, that in case the office of judge, registrar, or other officer of any or either of the ecclesiastical courts in England or Wales (except the Prerogative Court of Canterbury) shall become vacant during such period as last aforesaid, the person who may be thereunto appointed shall accept and take such office subject to all regulations and alterations affecting the same which may be hereafter made and provided by or under the authority of Parliament, and shall not by his

• See Note, p. 22.

appointment thereto acquire any vested interest in such office, nor any claim or title to compensation in respect thereof, in case the same shall be hereafter abolished by Parliament.

XXVI. And whereas by an act passed in the fifth and sixth years of His present Majesty, intituled “ * An Act to provide for the Regulation of Municipal Corporations in England and Wales,” provision was made concerning the sale of certain ecclesiastical preferments in the patronage of the several municipal corporations therein mentioned, at such time and in such manner as the Commissioners appointed to consider the state of the Established Church in England and Wales, with reference to ecclesiastical duties and revenues, should direct; be it enacted, that from and after the passing of this Act, the provisions in the said recited act contained which apply to the said Commissioners shall apply and be held to apply to the Commissioners appointed under this act by the style and title of “ The Ecclesiastical “ Commissioners for England.”

Provisions applicable to Church Inquiry Commissioners under Municipal Reform Act to apply to Commissioners under this Act.
5 & 6 W. 4. c. 76.

* See 5 & 6 W. 4. c. 76. p. 207.

ANNO PRIMO & SECUNDO
VICTORIÆ REGINÆ.

C A P. XXX.

*An Act for continuing the Bishoprick of Sodor and
Man.* [4th July 1838.]

WHEREAS an act of parliament was passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled “ An 6 & 7 W. 4. c. 77.
“ Act for carrying into effect the Reports of the
“ Commissioners appointed to consider the State of
“ the Established Church in England and Wales
“ with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses,
“ Revenues, and Patronage:” And whereas it is expedient that the said act, so far as it relates to or may affect the see of Sodor and Man, should be repealed: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act the said recited act shall be deemed and construed not to extend to the see of Sodor and Man, or any part thereof, but the said Recited act not to extend to the see of Sodor and Man.
act,

act, so far as it may relate to or affect the see of Sodor and Man, shall be and the same is hereby repealed.

No other
part of
recited act
affected.

II. Provided always, and be it further enacted, that nothing herein contained shall be construed to affect any other part of the said act.

The bishop
not to hold
any dignity,
&c. in com-
mendam.

III. Provided always, and be it further enacted, that no ecclesiastical dignity, office, or benefice shall be held in commendam by any bishop of Sodor and Man, but that every such commendam, whether temporary or perpetual, shall be absolutely void to all intents and purposes.

ANNO TERTIO & QUARTO
VICTORIÆ REGINÆ.

C A P. CXIII.

*An Act to carry into effect, with certain Modifications,
the Fourth Report of the Commissioners of Eccle-
siastical Duties and Revenues. [11th August 1840.]*

WHEREAS an act was passed in the seventh year of the reign of His late Majesty, intituled
“ *An Act for carrying into effect the Reports of the 6 & 7 W. 4.
“ Commissioners appointed to consider the State of c. 77.
“ the Established Church in England and Wales with
“ reference to Ecclesiastical Duties and Revenues, so
“ far as they relate to Episcopal Dioceses, Revenues,
“ and Patronage,” constituting the Ecclesiastical
Commissioners for England to be one body politic
and corporate for the purposes set forth in the
said act: And whereas the Commissioners first men-
tioned in the said act, in their fourth report to His
late Majesty, bearing date the twenty-fourth day of
June in the year one thousand eight hundred and
thirty-six, made certain recommendations touching
cathedral and collegiate churches, and other things
in the said report specified: And whereas it is ex-
pedient that the said recommendations should be

Members
of chapter
to be dean
and canons.

adopted, with certain alterations: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from henceforth all the members of chapter, except the dean, in every cathedral and collegiate church in England, and in the cathedral churches of Saint David and Llandaff, shall be styled Canons*; and the precentor of the cathedral church of Saint David and the warden of the collegiate church of Manchester shall be respectively styled Dean.

Number of
canons.

II. And be it enacted, that, subject to the provisions herein-after contained, the number of canons in the several cathedral and collegiate churches of the new foundation, and in the cathedral churches of Saint David and Llandaff†, and in the Queen's free Chapel of Saint George within the Castle of Windsor, and of canons residentiary in the several cathedral churches of the old foundation in England, shall be the number respectively specified in the schedule hereto annexed. ‡

Residence
of dean
and canons.

III. And be it enacted, that in every cathedral and collegiate church the term of residence to be kept by every dean thereof hereafter appointed shall be eight months at the least in every year, and the term of residence to be kept by every canon thereof hereafter appointed shall be three months at the least in every year.

* For construction of this term, see s. 93. p. 82.

† See also 6 & 7 Vict. c. 77. s. 2. p. 200.

‡ For the number necessary to constitute a chapter, see 4 & 5 Vict. c. 39. s. 16. p. 98.

IV. And

IV. And be it enacted, that in the chapter of the cathedral church of Canterbury six canonries shall be suspended in the following order; that is to say, the canonry firstly vacant shall be suspended; and the canonry now held by the archdeacon of Canterbury and the canonry secondly vacant shall be subject to the provisions herein-after contained respecting the endowment of archdeaconries by the annexation of canonries thereto; and the canonry thirdly vacant shall be suspended, and the canonry fourthly vacant shall be filled up by Her Majesty; and the two canonries fifthly and sixthly vacant, shall be suspended, and the then next vacant canonry shall be filled up by Her Majesty; and the two canonries which shall then next be vacant shall be suspended; and that thereafter, upon every fourth vacancy among the canonries not annexed to any archdeaconry, the Lord Archbishop of Canterbury shall appoint a canon, and all other vacancies among such last-mentioned canonries shall be filled up by Her Majesty.

Six canonries suspended at Canterbury.

V. And be it enacted, that in the chapter of Christchurch in Oxford the first vacant canonry, not being one of the two canonries which are respectively annexed to regius professorships in the university of Oxford, shall immediately become and be permanently annexed and united to the Lady Margaret's Professorship of Divinity in the said university, and shall and may be held by the present and every future Lady Margaret's professor of divinity therein; and that upon such annexation as aforesaid the canonry in the cathedral church of Worcester, which is now annexed to the last-mentioned professorship,

Canonry at Christchurch annexed to a professorship instead of canonry at Worcester.

sorship, shall be ipso facto detached therefrom, and shall become vacant; and the canonry secondly vacant in the said chapter of Christchurch shall be subject to the provisions herein-after contained respecting the endowment of archdeaconries by the annexation of canonries thereto.

Two canonries at Christchurch annexed to new professorships in the university of Oxford.

VI. And whereas Her Majesty has graciously intimated to Parliament Her royal will and intention to found two new professorships in the said university of Oxford, and it is expedient that the same should be competently endowed; be it therefore enacted, that the two canonries in the said chapter of Christchurch (not being either of them a canonry annexed or to be annexed to any of the professorships already founded in the said university) which shall be thirdly and fourthly vacant shall, upon the vacancies thereof respectively, and the foundation of such professorships respectively, become and be permanently annexed and united thereto, in such order as Her Majesty shall, in and by Her royal letters patent founding such professorships, direct and appoint; and if either of such last-mentioned canonries be vacant before the foundation of such professorships, the same shall not be filled up until after such foundation; and after such annexation the said canonries shall and may be held by the holders of such professorships respectively for the time being; provided that if the member of any college or hall in the said university except Christchurch shall hereafter accept any professorship to which a canonry of Christchurch is or shall be annexed, he shall thereby cease to be a member of such other college or hall.

VII. And

VII. And be it enacted, that, except as herein particularly specified, nothing in this Act contained shall in any manner affect or apply to the cathedral church of Christ in Oxford.

Act not to apply otherwise to Christ-church.

VIII. And be it enacted, that in the chapters of the cathedral churches of Durham and Worcester and of the collegiate church of Saint Peter Westminster respectively six canonries shall be suspended in the following order; (that is to say,) the first two vacant canonries shall be suspended, and the canonry thirdly vacant shall be filled up; and the two canonries fourthly and fifthly vacant shall be suspended, and the then next vacant canonry shall be filled up; and the two canonries which shall then next be vacant shall be suspended.

Six canonries suspended at Durham, Worcester, and Westminster.

IX. And be it enacted, that in the chapter of the Queen's free chapel of Saint George within Her Castle of Windsor eight canonries shall be suspended in the following order; (that is to say,) the first two vacant canonries shall be suspended, and the canonry thirdly vacant shall be filled up; and the two canonries fourthly and fifthly vacant shall be suspended, and the then next vacant canonry shall be filled up; and the two canonries which shall then next be vacant shall be suspended, and the then next vacant canonry shall be filled up; and the two canonries which shall then next be vacant shall be suspended.

Eight Canonries suspended at Windsor.

X. And be it enacted, that in the chapter of the cathedral church of Winchester seven canonries shall be suspended in the following order; (that is to say,) the two canonries secondly and thirdly vacant shall be suspended, and the canonry fourthly vacant shall

Seven canonries suspended at Winchester.

shall be filled up; and the two canonries fifthly and sixthly vacant shall be suspended, and the then next vacant canonry shall be filled up; and the two canonries eighthly and ninthly vacant shall be suspended, and the then next vacant canonry shall be filled up; and the canonry which shall then next be vacant shall be suspended.

Three canonries suspended at Exeter

XI. And be it enacted, that in the chapter of the cathedral church of Exeter three canonries shall be suspended; (that is to say,) the canonry held in commendam with the bishopric of Exeter shall immediately upon the vacancy thereof be suspended and the two canonries thirdly and fourthly vacant (not being either of them the canonry so held in commendam) shall be also suspended; and the canonry secondly vacant shall be subject to the provisions herein-after contained respecting the endowment of archdeaconries by the annexation of canonries thereto.

Two canonries at Ely to be annexed to professorships at Cambridge.

XII. And be it enacted, That so soon as conveniently may be, and by the authority herein-after provided, the two canonries in the chapter of the cathedral church of Ely which shall be secondly and thirdly vacant shall be permanently annexed and united to the regius professorships of Hebrew and Greek respectively in the University of Cambridge.

Two canonries suspended at Bristol, Chester, Ely, Gloucester, Lichfield, Norwich, Peterborough,

XIII. And be it enacted, that in the chapters of the cathedral churches of Bristol, Chester, Ely, Gloucester, Lichfield, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells respectively, two canonries shall be suspended in the following order; (that is to say,) in the said churches of Bristol,

Chester, Gloucester, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells respectively the first vacant canonry shall be suspended, and the canonry secondly vacant shall be filled up, and the canonry thirdly vacant shall be suspended, and the sub-deanery in the said church of Ripon shall, immediately upon the vacancy thereof, be also suspended; and that in the chapter of the said church of Ely the two canonries fourthly and fifthly vacant shall be suspended; and that in the chapter of the said church of Lichfield the first vacant canonry shall be suspended, and the canonry annexed to the rectory of the church of Saint Philip in Birmingham shall, immediately upon the first vacancy thereof, be detached from the said rectory, and be also suspended; and that in the chapter of the said church of Peterborough the canonry secondly vacant shall be subject to the provisions herein-after contained for the endowment of archdeaconries by the annexation of canonries thereto.

Ripon,
Rochester,
Salisbury,
and Wells
respec-
tively.

XIV. And be it enacted, that in the cathedral church of Hereford the first vacant canonry shall be suspended.

One ca-
nonry sus-
pended at
Hereford.

XV. Provided always, and be it enacted, that the provisions herein-before contained respecting the suspension of canonries shall not be construed to extend to the suspension of the canonry in the said chapter of Canterbury now held by the Archdeacon of Canterbury, or of any canonry in the said chapter of Ely which may be annexed to any professorship in the university of Cambridge, or of the canonry in the said cathedral church of Durham which is prospectively annexed to the archdeaconry of Durham

Proviso
respecting
the suspen-
sion of ca-
nonries.

2 & 3 W. 4.
c. 10.

by an act passed in the second year of the reign of His late Majesty, intituled “ * An Act for separating
“ the Rectory of Easington in the County and Dio-
“ cese of Durham from the Archdeaconry of Durham,
“ and annexing in lieu thereof a Prebend or Canonry
“ founded in the Cathedral Church of Durham,” or
of either of the canonries in the said collegiate church
of Saint Peter Westminster to which the rectories of
Saint Margaret and Saint John Westminster are
herein-after respectively annexed, or of the canonry
in the said cathedral church of Gloucester which is
annexed to the Mastership of Pembroke College in
Oxford, or of either of the canonries in the said
cathedral church of Rochester which are respectively
annexed to the provostship of Oriel College in Ox-
ford, and to the archdeaconry of Rochester, or of the
canonry in the said cathedral church of Norwich
which is annexed to the mastership of Catherine Hall
in Cambridge, or of the canonry in the said cathedral
church of Salisbury which is connected with the resi-
dentiary house called Leydon or Leaden Hall, or of
any canonry in any cathedral or collegiate church
which shall hereafter, under the authority of this act,
be permanently annexed to any archdeaconry or
archdeaconries, or to any office in the university of
Durham; but that if any canonry so held annexed
or connected or to be annexed shall be vacant in
such order as that according to the said last-mentioned
provisions it would be one of the canonries to be
suspended, the vacancy thereof shall not be counted
as a vacancy subject to such provisions; and that
upon the passing of this act all then subsisting vacan-

* Appendix, p. 385.

cies of canonries shall be deemed vacancies within the meaning of the said last-mentioned provisions and of this proviso, and shall be counted, subject also to this proviso, in the numerical order in which they shall have occurred.

XVI. Provided always, and be it enacted, that in any cathedral church in which by the suspension of canonries the number of canons shall be reduced to four, one of such suspended canonries may by the authority herein-after provided, if it be deemed necessary for the purpose of endowing any archdeaconry or archdeaconries, be filled up, subject to the provisions herein-after contained respecting the endowment of archdeaconries by the annexation of canonries thereto.*

One suspended canonry may be filled up to endow archdeaconries.

XVII. And be it enacted, that in the chapters of the cathedral churches of Saint Paul in London and of Lincoln respectively there shall be a fourth canonry, and such canonry shall be in the patronage of the bishops of London and Lincoln respectively, subject nevertheless to the limitation as to the exercise of such patronage herein-after contained.†

A fourth canonry founded at St. Paul's London and at Lincoln.

XVIII. And be it enacted, that in the collegiate church of Southwell the canonries now vacant, and all the other canonries ‡ *except the canonry now held by the archdeacon of Nottingham*, as vacancies occur, shall be suspended.

All canonries but one suspended at Southwell.

XIX. And be it enacted, that no appointment shall hereafter be made to any canonry in either of the cathedral churches of Saint David or Llandaff, excepting any canonry by the vacancy of which the

All canonries but two suspended at St. David's and Llandaff.

* Sections 34, 35, pp. 46, 47.

† Section 33. p. 46.

‡ Repealed, 4 & 5 Vict. c. 39. s. 12. p. 93.

canons shall be reduced below the number of ~~two~~ *; and that all canonries vacant previously to such reduction shall be suspended.

Power to
remove the
suspension
from ca-
nonries un-
der special
circum-
stances.

XX. And be it enacted, that a plan may from time to time be laid before the Ecclesiastical Commissioners for England by any of the said chapters of the several cathedral and collegiate churches, with the sanction of the visitors of the said churches respectively, for removing the suspension from and re-establishing any canonry or canonries which shall have been suspended by or under the provisions of this act, by assigning towards the re-endowment of any such canonry or canonries a portion of the divisible corporate revenues remaining to the said chapters respectively, after paying to the said Ecclesiastical Commissioners the profits and emoluments accruing to the said Commissioners from the suspended canonry or canonries, so that the profits and emoluments of such suspended canonry or canonries be not diminished by the removal of such suspension; and also by accepting and assigning for the same purpose any further endowment in money, or in lands, tithes, or other hereditaments, such lands, tithes, or other hereditaments not exceeding in yearly value the sum of two hundred pounds for each canonry from which the suspension shall have been so removed; and also by annexing to any such canonry from which the suspension shall have been so removed any suitable benefice or other preferment in the patronage of the said chapters respectively, or of any other patron, with the consent of such patron, and where any bishop is patron, with

* But see 6 & 7 Vict. c. 77. s. 2. p. 200.

consent of the archbishop; and any such plan may be carried into effect by the authority herein-after provided, and such alterations may be made in the existing statutes and rules of the said chapters respectively, as the case may require, under the authority herein provided for making alterations in existing statutes.

XXI. And be it enacted, that no new appointment shall be made to the deaneries of Wolverhampton, Middleham, Heytesbury, and Brecon respectively, but that the said deaneries shall, as to any which may be vacant at the passing of this act, immediately upon its so passing, and as to any other immediately upon the vacancy thereof, be suppressed.

Non-resi-
dentiary
deaneries
suppressed.

XXII. And be it enacted, subject to the provisions herein-after contained, that after the passing of this act no presentation, collation, donation, admission, election, or other appointment to the dignity or office of sub-dean, chancellor of the church, vice chancellor, treasurer, provost, precentor, or succentor*, nor to any prebend not residentiary, in any cathedral or collegiate church in England, or in the cathedral churches of Saint David and Llandaff, or in the collegiate church of Brecon, shall convey any right or title whatsoever to any lands, tithes, or other hereditaments, or any other endowment or emolument whatsoever, now belonging to such dignity, office, or prebend, or enjoyed by the holder thereof in right of such dignity, office, or prebend, or any part thereof†: provided that nothing herein contained shall

Non-resi-
dentiary
prebends
and offices
not to give
right to any
endow-
ment.

* See also 4 & 5 Vict. c. 39. s. 7. p. 90.

† As to plurality, lapse, and first fruits and tenths, see 4 & 5 Vict. c. 39. ss. 3, 4. p. 87.

canons shall be reduced below the number of ~~two~~ *; and that all canonries vacant previously to such reduction shall be suspended.

Power to
remove the
suspension
from ca-
nonries un-
der special
circum-
stances.

XX. And be it enacted, that a plan may from time to time be laid before the Ecclesiastical Commissioners for England by any of the said chapters of the several cathedral and collegiate churches, with the sanction of the visitors of the said churches respectively, for removing the suspension from and re-establishing any canonry or canonries which shall have been suspended by or under the provisions of this act, by assigning towards the re-endowment of any such canonry or canonries a portion of the divisible corporate revenues remaining to the said chapters respectively, after paying to the said Ecclesiastical Commissioners the profits and emoluments accruing to the said Commissioners from the suspended canonry or canonries, so that the profits and emoluments of such suspended canonry or canonries be not diminished by the removal of such suspension; and also by accepting and assigning for the same purpose any further endowment in money, or in lands, tithes, or other hereditaments, such lands, tithes, or other hereditaments not exceeding in yearly value the sum of two hundred pounds for each canonry from which the suspension shall have been so removed; and also by annexing to any such canonry from which the suspension shall have been so removed any suitable benefice or other preferment in the patronage of the said chapters respectively, or of any other patron, with the consent of such patron, and where any bishop is patron, with

* But see 6 & 7 Vict. c. 77. s. 2. p. 200.

consent of the archbishop; and any such plan may be carried into effect by the authority herein-after provided, and such alterations may be made in the existing statutes and rules of the said chapters respectively, as the case may require, under the authority herein provided for making alterations in existing statutes.

XXI. And be it enacted, that no new appointment shall be made to the deaneries of Wolverhampton, Middleham, Heytesbury, and Brecon respectively, but that the said deaneries shall, as to any which may be vacant at the passing of this act, immediately upon its so passing, and as to any other immediately upon the vacancy thereof, be suppressed.

Non-resi-
dentiary
deaneries
suppressed.

XXII. And be it enacted, subject to the provisions herein-after contained, that after the passing of this act no presentation, collation, donation, admission, election, or other appointment to the dignity or office of sub-dean, chancellor of the church, vice chancellor, treasurer, provost, precentor, or succentor*, nor to any prebend not residentiary, in any cathedral or collegiate church in England, or in the cathedral churches of Saint David and Llandaff, or in the collegiate church of Brecon, shall convey any right or title whatsoever to any lands, tithes, or other hereditaments, or any other endowment or emolument whatsoever, now belonging to such dignity, office, or prebend, or enjoyed by the holder thereof in right of such dignity, office, or prebend, or any part thereof†: provided that nothing herein contained shall

Non-resi-
dentiary
prebends
and offices
not to give
right to any
endow-
ment.

* See also 4 & 5 Vict. c. 39. s. 7. p. 90.

† As to plurality, lapse, and first fruits and tenths, see 4 & 5 Vict. c. 39. ss. 3, 4. p. 87.

be construed to deprive any present or future holder of any office in any cathedral or collegiate church, actually performing duties in respect of such office, of any stipend or other emolument heretofore accustomedly assigned to such office, or paid to the holder thereof, according to the statutes of such church, out of the revenues thereof.

Founda-
tion of
honorary
canonries.

XXIII. And whereas it is expedient that all bishops should be empowered to confer distinctions of honour upon deserving clergymen; be it enacted, that honorary canonries shall be hereby founded in *every cathedral church in England in which there are not already founded any non-residentiary prebends, dignities, or offices**; and the holders of such canonries shall be styled honorary canons, and shall be entitled to stalls, and to take rank in the cathedral church next after the canons, and shall be subject to such regulations respecting the mode of their appointment, and otherwise, as shall be determined on by the authority herein-after provided, with the consent of the chapters of the said cathedral churches respectively; and the number of such honorary canonries hereby founded in each cathedral church shall be twenty-four; and it shall be lawful for the archbishops and bishops respectively, if they shall think fit, from time to time, to appoint spiritual persons to such honorary canonries; provided that not more than eight of such honorary canons shall be appointed in any diocese within the year next after the passing of this act, nor more than two in any subsequent year, except in the case of the

* The cathedrals in which honorary canonries are founded enumerated, 4 & 5 Vict. c. 39. s. 2. p. 86. See also s. 3. p. 87.

vacancy of any honorary canonry by death, resignation, or otherwise; provided also, that no emolument whatever, nor any place in the chapter of any cathedral church, shall be taken or held by any honorary canon in virtue of his appointment as such canon.

XXIV. And be it enacted, that the deanery of every cathedral and collegiate church upon the old foundation, excepting Wales, and the three existing canonries in the cathedral church of Saint Paul in London, shall henceforth be in the direct patronage of Her Majesty*, who shall and may, upon the vacancy of any such deanery or canonry, appoint, by letters patent, a spiritual person to be dean or canon, as the case may be, who shall thereupon be entitled to installation as dean or canon of the church to which he may be so appointed.

Deans of old cathedrals and three canons of St. Paul's to be appointed by Her Majesty.

XXV. And be it enacted, that in the cathedral church of York, as soon as a vacancy shall occur in the deanery, and in the cathedral churches of Chichester, Exeter, Hereford, Salisbury, and Wells respectively, so soon as every person who was a member of the respective chapters of such churches at the passing of this act shall cease to be such member, all the said canonries shall be in the direct patronage of the Lord Archbishop of York and of the bishops of the said respective sees, as the case may be, who shall respectively, upon the vacancy of any canonry in such churches respectively, collate thereto a spiritual person, who shall thereupon be entitled to installation as a canon of the church to which he shall be so collated.

Canons of old cathedrals to be appointed by the bishops.

XXVI. And be it enacted, that in the cathedral church of Ripon the canonries shall from henceforth

Canons of Ripon and Manches-

* See also 4 & 5 Vict. c. 39. s. 5. p. 89.

ter to be
appointed
by the re-
spective
bishops.

be in the patronage of the Bishop of Ripon for the time being, and not of the Archbishop of York, and that it shall not be necessary for the person to be appointed a canon in the said church to be nominated by the chapter thereof; and that the Bishop of Ripon for the time being shall be the visitor of the said chapter, and not the said Archbishop of York; and that in the collegiate church of Manchester, so soon as the see of Manchester shall have been founded, and every person who shall be a member of the said chapter at the passing of this act shall have ceased to be such member, the canonries shall be in the direct patronage of the Bishop of Manchester for the time being, who may, upon the vacancy of any canonry, collate thereto a spiritual person, who shall thereupon be entitled to installation as a canon of the said last-mentioned church.

Qualifica-
tion of
deacons, arch-
deacons,
and canons.

XXVII. And be it enacted, that no person shall hereafter be capable of receiving the appointment of dean, archdeacon, or canon until he shall have been six years complete in priest's orders, except in the case of a canonry annexed to any professorship, headship, or other office in any university.

Repeal of
statutes and
customs for
appropria-
ting sepa-
rate estates.

XXVIII. And be it enacted, that in every cathedral or collegiate chapter wherein there exists any statute or custom for assigning to the dean or to any canon any land, tithes, or other hereditament, in addition to his share of the corporate revenues, or for appropriating separately to the dean or any canon during his incumbency the proceeds of any land, tithes, or other hereditament, part of the corporate property of the chapter, every such statute and custom, or every such part thereof as relates to such
assignment

assignment or appropriation, shall be repealed and annulled as to all deans and canons hereafter appointed: Provided nevertheless, that any small portion of land situate within the limits and precincts of any cathedral or collegiate church, or in the vicinity of any residentiary house, may be reserved to such church, or permanently annexed to such residentiary house, by the authority herein-after provided.

XXIX. And be it enacted, that the rectory of the parish of Saint Margaret in the city of Westminster shall immediately become and be permanently annexed and united to the canonry in the said collegiate church of Saint Peter Westminster held by Henry Hart Milman, Clerk, Master of Arts, and the rectory of the parish of Saint John in the same city shall immediately become and be permanently annexed and united to the canonry in the same church held by John Jennings, Clerk, Master of Arts; and the said Henry Hart Milman and his successors, and the successors of the said John Jennings in the said respective canonries, shall, as canons of the said church, become ipso facto rectors of the said respective parishes and the parish churches thereof, to all intents and purposes; and the said parishes shall become and be part of the province of Canterbury, of the diocese of London, and of the archdeaconry of Middlesex; and the said parishes and the rectors and other ministers and officers thereof, shall, in ecclesiastical matters, be subject only to the jurisdiction of the Archbishop of Canterbury, the Bishop of London, and the Archdeacon of Middlesex respectively, in the same manner as other parishes in the said province, diocese, and archdeaconry are respectively subject thereto, and be exempted and relieved from

Annexa-
tion of St.
Margaret's
and St.
John's to
two canon-
ries of
Westmin-
ster.

from all other ecclesiastical jurisdiction whatsoever: Provided always, that nothing herein contained shall in any manner affect or prejudice any of the rights, customs, or claims of the parishioners of the said parish of Saint Margaret, or the vestry or churchwardens thereof for the time being, nor render them liable to or chargeable with the repairs of the said Broadway chapel further or otherwise than as they now are or may become liable thereto by any law in force at the time of the passing of this act.

Rectory
house of St.
Margaret's.

XXX. And be it enacted, That such one of the prebendal houses belonging to the chapter of the said collegiate church of Saint Peter Westminster as shall be determined on by the authority herein-after provided shall be, as soon as conveniently may be, exempted from the rule of option subsisting in the chapter thereof, and be permanently annexed to the said canonry now held by the said Henry Hart Milman, and shall thenceforth be the house of residence for the rector of the said parish of Saint Margaret for the time being.

Division
and appli-
cation of
the reve-
nues of the
two canon-
ries of
Westmin-
ster.

XXXI. And be it enacted, that when and so often as, according to the statutes or usages of the chapter of the said collegiate church of Saint Peter Westminster, any dividend or division shall be made of any profits or emoluments, from whatever source accruing, or any stipend or other sum of money shall become payable to the members of the said chapter as such members, the shares of such profits and emoluments, which, according to such statutes or usages, shall be found to belong to the said two last-mentioned canonries, or the incumbents thereof respectively, and every such stipend or other sum of money so payable to such incumbents respectively,

instead

instead of being paid to such incumbents or either of them, shall, by the treasurer for the time being of the said chapter, be divided into twelve equal parts; and eight only of such parts shall be paid to or for the use of the incumbents for the time being of the said canonries respectively, and the remaining four parts shall be paid in such manner and to such uses as shall by the authority herein-after provided be directed: ** Provided always, that so much of the last-mentioned monies as shall appertain to the canonry now held by the said Henry Hart Milman shall be applied, in such proportions as by the like authority shall be determined, towards providing a house or houses of residence for the minister or ministers of one or more district church or churches in the said parish of Saint Margaret, and for endowing such minister or ministers, and the minister of Broadway chapel in the same parish; and so much of the said monies as shall appertain to the canonry now held by the said John Jennings shall be in like manner applied towards providing a house or houses of residence for the minister or ministers of one or more district church or churches in the said parish of Saint John, and for endowing such minister or ministers.*

XXXII. And whereas, under the first-recited act, certain new archdeaconries therein named may, by the authority thereby provided, be created, and districts may be assigned thereto, and the limits of the existing archdeaconries and rural deaneries may be newly arranged †: And whereas it is expedient to extend the power of creating new archdeaconries and rural deaneries; be it enacted, that in any case in

New arch-
deaconries
and rural
deaneries
may be
formed.

* Repealed, and new provisions enacted, 4 & 5 Vict. c. 39. s. 8. p. 90.

† 6 & 7 W. 4. c. 77. s. 1. prop. 53. p. 13.

which

which it shall appear, upon the representation of the bishop, to be proper to divide any archdeaconry or rural deanery on account of the magnitude thereof, or any other peculiar circumstance connected therewith, such archdeaconry or rural deanery may, by the authority herein-after provided, be divided into two or more portions, and each of such portions may be constituted a separate archdeaconry or rural deanery, as the case may be, and a district may be assigned thereto ; provided always, that no such division shall be made without the consent of the bishop under his hand and seal.

Bishops of London and Lincoln may appoint an archdeacon to the new canonry of St. Paul's and Lincoln.

XXXIII. And be it enacted, that the bishops of London and Lincoln respectively may forthwith and from time to time appoint one of the archdeacons of their respective dioceses to the new canonries hereby added * to the respective chapters of the cathedral churches of Saint Paul in London and of Lincoln ; and that every archdeacon so appointed to a canonry shall thereupon become and be a canon of the cathedral church of Saint Paul or Lincoln, and a member of the chapter of such church, to all intents and purposes, and possessed of and entitled to the like rights, privileges, dignities, and emoluments as are possessed by other canons in the same church, subject nevertheless to the provisions herein contained.

Provision for archdeaconries.

XXXIV. And be it enacted, that, so soon as conveniently may be, and by the authority herein-after provided, subject to the consent of the bishop, any archdeaconry may be endowed by the annexation

* Section 17. p. 97.

either of an entire canonry or of a canonry charged with the payment of such portion of its income as shall be determined on towards providing for another archdeacon in the same diocese, or with such last-mentioned portion of the income of a canonry, or by augmentation out of the common fund herein-after mentioned, provided that the said augmentation shall not be such as to raise the average annual income of any archdeaconry to an amount exceeding two hundred pounds; and that no canonry shall be so charged with the payment of a portion of the income thereof to any archdeacon, unless the average annual income of such canonry, after the payment of such portion as aforesaid, shall amount to or exceed five hundred pounds *: Provided always, that no archdeacon shall be entitled to hold any endowment or augmentation or other emolument as such archdeacon under the provisions of this Act, unless he shall be resident for the space of eight months in every year within the diocese in which his archdeaconry is situate, or as to any present archdeacon, within the diocese in which his archdeaconry was situate before the passing of the first-recited act, subject to the same provisions as to licences for non-residence which are enacted with respect to incumbents of benefices by an act passed in the second year of Her present Majesty, intituled “† An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.”

Residence
of aug-
mented
archdea-
cons.

1 & 2 Vict.
c. 106.

XXXV. And be it enacted, that instead of ap-
pointing one archdeacon to either of the new canon-

Further
provision
for arch-
deacons.

* See also 4 & 5 Vict. c. 39. s. 9. p. 91, s. 11. p. 93., and 5 & 6 Vict. c. 108. s. 12. p. 158.

† Appendix, p. 253.

ries respectively founded in the cathedral churches of Saint Paul in London and of Lincoln, or of annexing a canonry in any cathedral or collegiate church to an archdeaconry as aforesaid charged with any payment to another archdeacon in the same diocese, the rights, duties, and emoluments of any canonry, the average annual income of which may exceed eight hundred pounds, may, by the authority herein-after provided, be annexed to two archdeaconries jointly within the same diocese, not otherwise competently endowed, each archdeacon taking his turn of residence for such time, and taking such share of the emoluments, as shall be directed by the scheme and order authorizing such annexation; and each archdeacon shall during his turn of residence have all the rights and privileges of a canon (except as to the division of the emoluments); and every future archdeacon whose archdeaconry shall be endowed as last aforesaid shall be deemed the holder of cathedral preferment within the meaning of the last-recited act.

1 & 2 Vict.
c. 106.

Provision
for the
archdea-
conry of
Notting-
ham and
the parish
of South-
well.

* XXXVI. *And be it enacted, that, so soon as conveniently may be, and by the authority herein-after provided, the canonry remaining in the collegiate church of Southwell shall be annexed to the archdeaconry of Nottingham, and a better provision shall be made for the cure of souls in the parish of Southwell by the application of so much of the revenues arising from the suspended canonries in the collegiate church of Southwell, and in such manner as shall by the like authority be determined on.*

* Repealed, and new provisions enacted by 4 & 5 Vict. c. 39. s. 12. p. 93.

XXXVII. And

XXXVII. And be it enacted, that, so soon as conveniently may be, and by the authority hereinafter provided, such arrangements shall be made with respect to the deanery and canonries in the cathedral church of Durham, and their revenues, as, upon due inquiry and consideration of an act passed in the second year of the reign of His late Majesty, intituled “* An Act to enable the Dean and Chapter of Durham to appropriate Part of the Property of their Church to the Establishment of a University in connexion therewith for the Advancement of Learning,” and of the engagements entered into by William late bishop of Durham and the dean and chapter of Durham, shall be determined on, with a view to maintaining the said university in a state of respectability and efficiency; provided that in such arrangements due regard shall be had to the just claims of any existing officer of the said university.

Further provision for the university of Durham.

2 & 3 W. 4. c. 19.

XXXVIII. And be it enacted, that the canonries of the cathedral church of Saint David shall be in the direct patronage of the † Bishop of Saint David's, ‡ *and that so soon as conveniently may be the canons may be respectively instituted or licensed, as the case may be, to the cure of souls in the parish of Saint David;* § *and the whole divisible corporate revenues shall be divided into twenty-four parts, ten of which parts shall be assigned to the dean, and five to each canon, and the remaining four parts shall be assigned as an endowment to the archdeacon of Cardigan.*

Provision for the chapter of St. David's and the archdeaconry of Cardigan.

* Appendix, p. 389.

† See also 6 & 7 Vict. c. 77. s. 2. p. 200.

‡ Repealed by 6 & 7 Vict. c. 77. s. 5. p. 201.

§ Repealed by 4 & 5 Vict. c. 39. s. 14. p. 97. But see this act, ante, ss. 34. 66. pp. 46. 68.

*Provision
for archdea-
conries of
Brecon and
Carmar-
then.*

** XXXIX. And be it enacted, that, so soon as conveniently may be, and by the authority herein-after provided, due provision shall be made out of the endowments belonging to the prebends in the collegiate church of Brecon for the archdeaconries of Brecon and Carmarthen.*

*Provision
for the
chapter of
Llandaff.*

*XL. And be it enacted, that the archdeacon of Llandaff shall from henceforth be also dean † of the cathedral church of Llandaff, ‡ and that, so soon as conveniently may be, the canons of the said church may be instituted or licensed, as the case may be, to the cure of souls in the parishes of Llandaff and Whitchurch respectively ; * and, after the reservation to the Lord Bishop of Llandaff of one seventh part (being his present share) of the whole divisible corporate revenues, the remainder thereof shall be divided among the three members of the chapter, in the proportions of one half to the dean and one quarter to each of the canons.*

*Separate
patronage
of members
of chapters
to be vested
in the
bishops.*

XLI. And be it enacted, that, subject to the provisions herein-after contained, the patronage of all benefices with cure of souls possessed by deans and other individual members of chapters in right of any separate estates held by them as such members, or possessed by prebendaries, dignitaries, or officers not residentiary, in right of their prebends, dignities, or offices respectively, shall be transferred to and vested in the respective bishops of the dioceses in which the benefices shall be respectively situate, subject nevertheless to all such provisions respecting the apportionment or exchange of eccle-

** Repealed by 4 & 5 Vict. c. 39. s. 14. p. 97. But see this act, ante, s. 34. p. 46. and s. 66. p. 68.*

† See also 6 & 7 Vict. c. 77. s. 9. p. 202.

‡ Repealed by 6 & 7 Vict. c. 77. s. 5. p. 201.

siastical patronage as are contained in the first herein-before recited act: Provided always, with respect to any benefice now or heretofore possessed by any dean in right of any separate estate held by him as such dean, that every future dean of the same deanery may, upon any vacancy of such benefice, present himself thereto; (and) that with respect to benefices in the patronage of the prebendaries of the collegiate church of Southwell*, the same shall, so soon as conveniently may be, and by the authority herein-after provided, be transferred so as to become vested, as the prebends fall in respectively, partly in the Bishop of Ripon and partly in the Bishop of Manchester, in such proportion as shall be determined on; and that upon the vacancy of any such last-mentioned benefice before the patronage thereof shall have been so transferred as aforesaid it shall be lawful for the Bishop of Ripon for the time being to present thereto.

XLII. And be it enacted, that it shall not be lawful for any spiritual person to sell or assign any patronage or presentation belonging to him by virtue of any dignity or spiritual office held by him, and that every such sale or assignment shall be null and void to all intents and purposes.

Spiritual person not to sell or assign any right of patronage.

XLIII. And be it enacted, that in the construction of this act the said free chapel of Saint George in Windsor shall be held to be included in the term collegiate church, and that immediately upon the first vacancy of the deanery of the said free chapel so much of an † Act passed in the reign of Queen

Haseley rectory to be severed from the deanery of Windsor.

7 Ann. c. 38.

* Extended by 4 & 5 Vict. c. 39. s. 12. p. 93.

† Appendix, p. 429.

Anne, for annexing the rectory or parsonage of Haseley to the deanery of the said free chapel, as relates to the rectory, parsonage, and parish of Haseley, shall be repealed, and the rectory of Haseley in the county of Oxford shall be absolutely detached and dissevered from the said deanery, and, subject to such appropriation of the revenues thereof as shall be determined on by the authority hereinafter provided, shall be in the patronage of the chapter of the said chapel: Provided always, that such patronage shall in the first instance be exercised in favour of William Birkett, clerk, if at the time of such vacancy he shall be curate of the parish of Haseley.

Exercise of
patronage
of chapters.

XLIV. And be it enacted, that upon the vacancy of any benefice in the patronage of the chapter of any cathedral or collegiate church, the chapter shall present or nominate thereto either a member of such chapter, or one of the archdeacons of the diocese, or a non-residentiary prebendary or honorary canon, as the case may be, or any spiritual person who shall have served for five years at the least in the office of minor canon or lecturer of the same church, or of master of the grammar or other school (if any) attached to or connected with such church, or as incumbent or curate in the same diocese, or as public tutor in either of the universities of Oxford and Cambridge, or who, so far as relates to the cathedral church of Durham, shall have served for the like term in the office of professor, reader, lecturer, or tutor in the said university of Durham, or shall have been educated thereat and shall be a licentiate or graduate in theology therein, or who shall have served

as

as incumbent or curate within the same diocese for the period aforesaid; and that every such office of minor canon, lecturer, schoolmaster, professor, reader, lecturer, or tutor shall immediately upon the expiration of one year from the time of his institution to such benefice, if not previously resigned, become and be vacant*; and that if neither a member of the chapter nor an archdeacon of the diocese, nor a minor canon nor lecturer, nor such schoolmaster, incumbent, or curate, professor, reader, lecturer, tutor, licentiate, or graduate, as the case may be, shall be presented or nominated to such benefice within six calendar months from the time of the vacancy thereof, the bishop of the diocese in which the same is situate may within the next six calendar months collate or license thereto a spiritual person who shall have actually served within such diocese as incumbent or curate, for five years at the least; and if no such collation or licence shall be granted within such time, the right of presentation or nomination to such benefice for that turn shall lapse to the archbishop of the province.

XLV. And be it enacted, that from henceforth the right of appointing minor canons shall be in all cases vested in the respective chapters, *and shall not be exercised by any other person or body whatsoever*;† and that so soon as conveniently may be, and by the authority herein-after provided, regulations shall be made for fixing the number and emoluments of such minor canons in each cathedral and collegiate church; provided that there shall not in any case be

Minor canons to be appointed by the chapters;

their number and salary.

* But see s. 46. p. 54. and 4 & 5 Vict. c. 39. s. 15. p. 98.

† But see 4 & 5 Vict. c. 39. s. 15. p. 98.

more than six nor less than two; and that the stipend of each such minor canon hereafter to be appointed shall not be less than one hundred and fifty pounds per annum; and that arrangements may from time to time be made by the like authority for securing to any minor canon not otherwise competently provided for such annual sum as shall make up to him an income as minor canon, not exceeding in any case the said sum of one hundred and fifty pounds.

Minor
canons not
to hold any
benefice
beyond six
miles.

XLVI. And be it enacted, that no minor canon hereafter to be appointed in any cathedral or collegiate church shall be allowed to take and hold together with his minor canonry any benefice beyond the limit of six miles from such church.

Chapters,
or visitors
in their
default, to
propose
alterations
in their
statutes.

XLVII. And be it enacted, that the chapters of the several cathedral and collegiate churches shall from time to time, of their own accord, or upon being required by the visitors of the said churches respectively, propose to such visitors such alterations in the existing statutes and rules as shall provide for the disposal of the benefices in their patronage, so as to meet the just claims of the minor canons of such churches, and as shall make them consistent with the constitution and duties of the chapters respectively as altered under the authority of this act; and all such alterations, if approved, may be confirmed by the authority of such visitor; and that in any case in which such alterations shall not be approved, or in which such requisition shall not be complied with within twelve calendar months after the making thereof, the visitor shall be at liberty of himself to make the necessary alterations; and all such statutes and rules when so altered shall be submitted to the

Eccle-

Ecclesiastical Commissioners for England, and may be confirmed by the authority herein-after provided; and that as to any alteration made by a visitor alone, the said Commissioners shall communicate a draft thereof to the chapter to be affected thereby, and shall, together with any scheme to be prepared by them under the authority herein-after contained, lay before Her Majesty in council such remarks as may within three months have been made thereon by such chapter; and that out of the proceeds of the suspended canonries in any chapter provision may from time to time be made, by the authority herein-after provided, for relieving the present canons of such chapter from the performance of any additional duty by reason of such suspension, by the employment of substitutes, to be approved by the respective bishops: Provided always, that nothing herein contained shall be construed to affect any existing right of chapters with their visitors to make statutes.

Provision
for substitu-
tes.

Rights of
chapters
preserved.

XLVIII. And be it enacted, that all ecclesiastical rectories without cure of souls in the sole patronage of Her Majesty, or of any ecclesiastical corporation, aggregate or sole*, where there shall be a vicar endowed or a perpetual curate, shall, as to all such rectories as may be vacant at the passing of this act, immediately upon its so passing, and as to all others immediately upon the vacancies thereof respectively, be suppressed; and that as to any such ecclesiastical rectory without cure of souls, the advowson whereof or any right of patronage wherein shall belong to any person or persons or body corporate other than as aforesaid, the Ecclesiastical Commissioners for

Suppres-
sion of
sinecure
rectories.

* As to those in private patronage, see 4 & 5 Vict. c. 39. s. 17. p. 98.

England shall be authorized and empowered to purchase and accept conveyance of such advowson or right of patronage, as the case may be, at and for such price or sum as may be agreed upon between them and the owner or owners of such advowson or right of patronage, and may pay the purchase money and the expences of and attendant upon such purchase out of the common fund herein-after mentioned* ; and that after the completion of such purchase of any such rectory, and upon the first avoidance thereof, the same shall be suppressed ; and that upon the suppression of any such rectory as aforesaid all ecclesiastical patronage belonging to the rector thereof as such rector shall be absolutely transferred to and be vested in the original patron or patrons of such rectory.

Profits of
suspended
canonries
to be paid
to and their
estates
veestd in
the Com-
missioners.

† XLIX. And be it enacted, that all the profits and emoluments of each and every canonry suspended by or under the provisions of this act, whether consisting of or arising from rents, fines, compositions, dividends, stipends, or other emoluments whatsoever, shall forthwith, as to every such canonry vacant at the passing of this act, and as to every other immediately upon and from the vacancy thereof, and from time to time, be paid to the Ecclesiastical Commissioners for England for the purposes of this act in like manner as the holder of such canonry, if he had remained in possession, or the successor thereto, if a successor had been appointed and had duly qualified himself by residence and

* Extended by 4 & 5 Vict. c. 39. s. 17. p. 98.

† See also 4 & 5 Vict. c. 39. s. 6. p. 89. and 6 & 7 Vict. c. 37. ss. 4. 6. pp. 176. 178.

otherwise

otherwise according to the statutes and usages of his church to receive his full portion of the emoluments thereof, would have been entitled to receive the same; and that all the estate and interest, if any, which such successor would have had in any lands, tithes, and other hereditaments (except any right of patronage) annexed or belonging to or usually held and enjoyed with such canonry, or whereof the rents and profits have been usually taken and enjoyed by the holder of such canonry, as such holder separately and in addition to his share (if any) of the corporate revenues of such chapter, shall forthwith, as to all vacancies subsisting at the passing of this act, and as to all others immediately upon such vacancies respectively, accrue to and be vested absolutely in the Ecclesiastical Commissioners for England and their successors for the purposes of this act, without any conveyance thereof or any assurance in the law other than the provisions of this act; provided nevertheless, that the profits and emoluments arising from corporate revenues belonging to the canonries suspended in the chapters of the cathedral churches of Chester, Lichfield, and Ripon respectively shall become, as the vacancies occur, part of the divisible corporate revenues of the said chapters respectively: provided also, that nothing herein contained shall be construed to affect the right of any chapter, according to the statutes or customs of such chapter in force at the passing of this act, to make due provision out of the divisible corporate revenues for the maintenance of the fabric, the support of the grammar school, if any, and all other necessary and proper expenditure.

L. And

Separate
estates of
deaneries
and canon-
ries not sus-
pended to
vest in
Commis-
sioners.

* L. And be it enacted, that, subject to the provisions herein contained, all the estate and interest which the holder of any deanery or canonry not suspended by or under the provisions of this act, and his successors, have and would have in any lands, tithes, and other hereditaments or endowments whatsoever annexed or belonging to or usually held or enjoyed with such deanery or canonry (except any right of patronage), or whereof the rents and profits have been usually taken and enjoyed by the holder of such deanery or canonry as such holder separately and in addition to his share of the corporate revenues of such chapter, shall, without any conveyance or assurance in the law other than the provisions of this act, accrue to and be vested absolutely in the Ecclesiastical Commissioners for England, and their successors, for the purposes of this act.

Estates of
non-resi-
dentiary
prebends,
&c. vested
in commis-
sioners.

* LI. And be it enacted, that all lands, tithes, and other hereditaments, excepting any right of patronage, and all other emoluments and endowments whatsoever belonging to the deaneries of Wolverhampton, Middleham, Heytesbury, and Brecon, and to the dignity or office of sub-dean, chancellor of the church, vice-chancellor, treasurer, provost, precentor, or succentor†, and to any prebend not residentiary in any cathedral or collegiate church in England, or in the cathedral churches of Saint David's and Llandaff, or in the collegiate church of Brecon, or enjoyed by

* See also 4 & 5 Vict. c. 39. s. 6. p. 89. and 6 & 7 Vict. c. 37. ss. 4. 6. pp. 176, 178.

† Extended by 4 & 5 Vict. c. 39. s. 7. p. 90.

the holder of any such deanery, dignity, office, or prebend as such holder, shall, as to all such of the said deaneries, dignities, offices, and prebends respectively as may be vacant at the passing of this act immediately upon its so passing, and as to all others immediately upon the vacancies thereof respectively, without any conveyance or assurance in the law other than the provisions of this act, accrue to and be vested absolutely in the Ecclesiastical Commissioners for England and their successors for the purposes of this act: Provided always, that all other rights and privileges whatsoever now by law belonging to any of such dignities, offices, or prebends, except the said last-named deaneries, shall continue to belong thereto, except so far as any of such rights or privileges may be controlled or affected by any of the provisions of this act respecting the right of election now exercised by any chapter: Provided always, that nothing herein contained shall in any manner apply to or affect any dignity, office, or prebend which is permanently annexed to any bishoprick, archdeaconry, professorship, or lectureship, or to any school or the mastership thereof, or the prebends of Burgham, Bursalis, Exceit, and Wyndham, in the cathedral church of Chichester. .

LII. Provided nevertheless, and be it enacted, that so much and such parts of the lands, tithes, or other hereditaments annexed or belonging to or usually held and enjoyed with the respective deaneries or any of the dignities or canonries of the cathedral churches of York, Chichester, Exeter, Hereford, Lichfield, Salisbury, and Wells respectively,

Proviso
respecting
the separate
estates.

tively, or belonging to the prebends not residentiary in such churches, as may be deemed proper, shall, by the authority herein-after provided, be from time to time, upon the vacancies of the said respective deaneries, dignities, prebends, or offices, transferred to and vested in the chapters of the said last-mentioned churches respectively, so as to augment the divisible corporate revenues of such chapters, or be applied by the like authority to make such provision for the deans of the said cathedral churches respectively as by the like authority shall be deemed just and proper.*

Commis-
sioners may
contribute,
in certain
cases, to
fabric fund.

LIII. Provided also, and be it enacted, that in any cathedral church on the old foundation in which any contribution to the fabric fund of such church has heretofore, either usually or occasionally, been made out of the rents, profits, or proceeds of any lands, tithes, or other hereditaments so vested or to be vested in the Ecclesiastical Commissioners for England, it shall be lawful for the said Commissioners to contribute to such fund such sum as they shall deem necessary, out of the rents, profits, or proceeds of the same lands, tithes, or other hereditaments, not exceeding in amount the proportion of such rents, profits, or proceeds which has usually been applied to like purposes.

Endow-
ments of
suppressed
sinecure
rectories
vested in
Commis-
sioners.

† LIV. And be it enacted, that upon the suppression of any ecclesiastical rectory without cure of souls all the estate and interest which the rector thereof, or his successor, has or had, or would have

* These objects may be otherwise effected under 4 & 5 Vict. c. 39. s. 20. p. 100.

† See also 6 & 7 Vict. c. 37. s. 4. p. 176.

or have had, as such rector, in any lands, tithes, or other hereditaments or endowments whatsoever, shall, without any conveyance thereof, or any assurance in the law other than the provisions of this act, accrue to and be vested in the Ecclesiastical Commissioners for England and their successors for the purposes of this act.

LV. And be it enacted, that if in any case it shall appear to be expedient, on account of the extent or population or other peculiar circumstances of the parish or district in which any such rectory without cure of souls shall be situate, or from the incompetent endowment of the vicarage or vicarages, or perpetual curacy or curacies, dependent on such rectory, to annex the whole or any part of the lands, tithes, or other hereditaments or endowments belonging to such rectory to such vicarage or vicarages, curacy or curacies, such annexation may be made, and any such vicarage or curacy may be constituted a rectory with cure of souls by the authority hereinafter provided; and that wherever any rectory heretofore deemed a rectory without cure of souls has been held together with the vicarage dependent thereon for the period of twenty years last past, the same shall not be construed to be a rectory without cure of souls within the meaning of this act, but such last-mentioned rectory and vicarage shall continue and be permanently united, and shall be a rectory with cure of souls; subject nevertheless to all the provisions of the thirdly-recited act, and to the provisions of this act, which relate to the division of benefices or the apportionment of the incomes thereof.

As to certain sine-cure rectories.

LVI. And

**Estates of
newly en-
dowed
archdea-
conries
vested in
Commis-
sioners.**

LVI. And be it enacted, that upon the endowment of any archdeaconry by either of the modes of endowment herein provided, and with the consent of the bishop of the diocese and of any archdeacon in possession at the time of the passing of this act, all lands, tithes, and other hereditaments (except any right of patronage) belonging to such archdeaconry at the time of such endowment may, by the authority herein-after provided, be vested in the Ecclesiastical Commissioners for England, and their successors, for the purposes of this act; and any benefice annexed to such archdeaconry may be, by the like authority, disannexed therefrom, and the patronage of such benefice shall thenceforth revert to the patron to whom it belonged before such annexation, subject to any transfer of patronage provided by this act.

**Commis-
sioners to
have all
legal pow-
ers of en-
forcing
payment,
&c.**

LVII. And be it enacted, that the Ecclesiastical Commissioners for England shall, for the purpose of enforcing payment of all profits and emoluments to be paid to them, and of obtaining possession of all lands, tithes, or other hereditaments vested in or accruing to them as aforesaid, and of recovering the rents and profits thereof, have and enjoy all rights, powers, and remedies, at law and in equity, which belonged or belong or would belong or have belonged to the holder of the deanery, canonry, prebend, dignity, or office, or the rector of the rectory, in respect of which such profits and emoluments, lands, tithes, and other hereditaments and endowments respectively, are by or under the provisions of this act to be paid or to accrue to and be vested in the said Commissioners.

LVIII. *And*

* LVIII. *And be it enacted, that so soon as conveniently may be, measures shall be taken by the deans and chapters of the several cathedral and collegiate churches for the disposal of such residence houses now under their control, and houses attached to any dignity, office, or prebend in the precincts of the respective cathedral and collegiate churches as may no longer be required, in such way as they shall deem fit, according to plans, be from time to time prepared by the respective chapters, and, when approved by the visitors, be submitted to the Ecclesiastical Commissioners for England, and may be confirmed by the authority herein-after provided.*

Appropriation of residence houses not wanted.

LIX. *And be it enacted, that it shall be lawful for the said Commissioners to authorize any dean or canon of any cathedral church to raise monies on his deanery or canonry, for the purpose of building, enlarging, or otherwise improving the residence house thereof, on such terms and conditions as the said Commissioners, with the concurrence of the bishop and the chapter, shall approve; and all the provisions of an act passed in the first year of the reign of Her present Majesty, intituled “† An Act “ to amend the Law for providing fit Houses for the “ beneficed Clergy,” shall be applied, mutatis mutandis, to all such cases in which any dean or canon shall be authorized as aforesaid to raise monies on his deanery or canonry for the purpose aforesaid.*

1 & 2 Vict. c. 23., relating to residence houses, to apply to deans and canons.

LX. *And be it enacted, that an act passed in the sixth year of the reign of His late Majesty,*

Repeal of 5 & 6 W. 4. c. 30., 6 & 7 W. 4. c. 67., and 2 & 3 Vict. c. 55.

* Repealed, and new provisions enacted by 4 & 5 Vict. c. 39. s. 18. p. 99.

† Appendix, p. 348.

intituled “ * An Act for protecting the Revenues of
 “ vacant Ecclesiastical Dignities, Prebends, Canon-
 “ ries, and Benefices with Cure of Souls, and for
 “ preventing the Lapse thereof, during the pending
 “ Inquiries respecting the State of the Established
 “ Church in England and Wales,” and also another
 act passed in the seventh year of the reign of His
 late Majesty, intituled “ * An Act for suspending for
 “ One Year Appointments to certain Dignities and
 “ Offices in Cathedral and Collegiate Churches,
 “ and to Sinecure Rectories,” and also so much
 of another act passed in the last session of parlia-
 ment, intituled “ * An Act to suspend until the First
 “ Day of August One thousand eight hundred and
 “ forty certain Cathedral and other Ecclesiastical
 “ Preferments, and the Operation of the new Arrange-
 “ ment of Dioceses upon the existing Ecclesiastical
 “ Courts,” as relates to the two last-recited acts of
 the reign of His late Majesty, be and the same
 are hereby repealed, † *except only as to the dioceses
 or cathedral churches of Saint Asaph and Bangor,*
 and as to all matters and things done under
 the authority of the said three last-recited acts,
 or either of them, all which matters and things
 shall remain in full force and effect as if the said
 acts were not repealed; † *and the said acts, so far as
 they relate to the said two last-mentioned dioceses
 and churches, shall be continued and remain in force
 until the first day of August in the year one thou-
 sand eight hundred and forty-one, and, if Parliament
 shall be then sitting, until the end of the then*

* Appendix, pp. 211. 215. 227.

† All this neutralized by the Welsh Cathedral Acts 6 & 7 Vict. c. 77.
 P. 199.

session of parliament ; but, notwithstanding any thing in the said acts contained, it shall be lawful for the Bishop of Bangor for the time being to collate to any vacant canonry, prebend, dignity, or office not having any estate or endowment belonging thereto ; and that within one calendar month after the passing of this act the treasurer of the governors of the bounty of Queen Anne shall deliver to the said Ecclesiastical Commissioners for England a full and particular account of all monies received and paid by him under and by virtue of the said acts or any of them, and of all things done by him, and of all proceedings then pending in respect thereof, except so far as concerns the said two last-mentioned dioceses and churches ; and that within such time after the delivery of such account as shall be specified in any order made upon him for that purpose by the said Commissioners, he shall pay and deliver, or cause to be paid and delivered, to the said Commissioners, or into such bank as shall be named in such order, to their account, for the purposes of this act, all monies then remaining in his hands or to his account, and all exchequer bills and other securities for money, and all books of accounts, papers, and writings in his possession or power in respect thereof, except as last herein excepted ; and that it shall be lawful for the said Commissioners to allow to the said treasurer in his accounts such sum of money as shall appear to them to be just and reasonable in compensation for his pains and trouble, and also all proper costs, charges, and expences*

Treasurer
of Queen
Anne's
bounty to
account.

* See 6 & 7 Vict. c. 77. s. 10. p. 203.

incurred in the execution of the trusts reposed in him by the said acts; and that the receipt in writing of the said Commissioners, under their common seal, shall be an effectual discharge to the said treasurer for all monies and other things therein expressed to be received by them; *and this act shall not in any other manner than herein or in the first-recited act expressly provided extend or apply to either of the said two last-mentioned dioceses and cathedral churches or the chapters of such churches.**

Prebends
of Chulm-
leigh.

LXI. And be it enacted, that the rectory and five prebends of the church of the parish of Chulmleigh in the county of Devon shall immediately become and be permanently annexed and united, and form one entire rectory and benefice (subject and without prejudice to any existing lease or leases of the prebendal houses, glebes, and tithes, or any of them); and that the reverend George Hole, the present incumbent of the said rectory and prebends, and also all future incumbents of the said rectory, shall henceforth hold the same rectory, with all and every the emoluments, rights, and privileges of the said several prebends attached thereto, as one benefice to all intents and purposes; and that the rector for the time being of the said parish of Chulmleigh may grant such and the same or the like leases of the houses, lands, and tithes of the same prebends respectively as have been heretofore granted, save and except that no such lease shall henceforth be granted of the house in which the present rector

* All the provisions of this act extended to those dioceses, &c. by 6 & 7 Vict. c. 77. p. 199.

resides, or of the gardens attached thereto; but such house and gardens (subject to any such existing lease as aforesaid) shall henceforth be deemed and used as the residence of the rector for the time being of the said parish, and shall be repaired accordingly.

* *LXII. And be it enacted, that, if it be deemed fit, any part of the lands, tithes, or other hereditaments, or of the rents and profits thereof, which shall be vested in or accrue to the Ecclesiastical Commissioners for England from or in respect of the cathedral church of Saint David or the collegiate church of Brecon, may by the authority herein-after provided be transferred to the college of Saint David's at Lampeter, in exchange for benefices with cure of souls which are now connected with the said college; and the said college is hereby empowered upon the completion of any such arrangement to convey any such benefices to such person or body corporate, and in such manner, as shall by the like authority be directed.*

Provision
for St.
David's
college at
Lampeter.

LXIII. And be it enacted, that out of the endowments belonging to the † *suspended* prebends in the cathedral church of Lichfield, after setting apart so much of the rents and profits of the prebend of Sawley as hath been heretofore applied as an addition to the fabric fund of the said cathedral church‡, such provision as shall be deemed fit shall by the like authority be made for the rector of the church of Saint Philip and for the perpetual curate of Christ's Church in Birmingham for the time being respectively; and that out of the endowments, of whatsoever kind, belonging to the collegiate churches of

How pro-
ceeds of
prebends in
cathedral
church of
Lichfield,
and endow-
ments of
Wolver-
hampton,
Heytes-
bury, and
Middle-
ham, to be
applied.

* Repealed, and other provisions substituted, by 6 & 7 Vict. c. 77. s. 13. p. 205.

† Corrected by 4 & 5 Vict. c. 39. s. 19. p. 100.

‡ See 37 Geo. 3. c. 20. s. 19. Appendix, p. 452.

Wolverhampton, Heytesbury, and Middleham better provision shall be made by the like authority for the cure of souls in the districts or places with which the said churches are respectively connected.

Endow-
ments of
Wimborne
Minster to
be applied
to care of
the parish.

LXIV. And be it enacted, that so much of the property belonging to the collegiate church of Wimborne Minster in the county of Dorset as shall upon due inquiry be found legally applicable thereto, shall by the like authority be applied to the purpose of making a better provision for the cure of souls in the parish of Wimborne Minster in the said county.

Inquiry
into hospi-
tals which
were pro-
motions
spiritual in
the reign
of King
Henry the
Eighth.

LXV. And be it enacted, that so soon as conveniently may be the Ecclesiastical Commissioners for England shall inquire, and report to Her Majesty in council, respecting the state of all such hospitals as were returned as promotions spiritual in the reign of King Henry the Eighth; and in those cases in which it may appear, upon such inquiry, that the endowments of such hospitals are capable, after satisfying the objects of the founder's bounty, of affording a better provision for the cure of souls in the parishes with which they are connected, the said Commissioners may in their report make such suggestions as they may deem advisable for affecting such provision.

Augmen-
tation of
certain
smaller
dignities
from sur-
plus re-
venues of
certain
larger dig-
nities.

LXVI. And be it enacted, that so soon as conveniently may be, and by the authority herein-after provided, and subject to the provisions herein contained respecting the university of Durham and the canonries in the collegiate church of Westminster annexed to the rectories of Saint Margaret and Saint John, such fixed annual sums shall be determined on to be paid, and shall accordingly be paid to the Ecclesiastical Commissioners for England, by the deans and canons of the cathedral churches of

Durham and Saint Paul in London, and the collegiate churches of Westminster and Manchester, as, after due inquiry, and a calculation of the present average annual revenues of the chapters of such churches respectively, shall leave to the Dean of Durham an average annual income of three thousand pounds, and to the deans of * Saint Paul's, Westminster, and Manchester respectively an average annual income of two thousand pounds, and to the canons of the said four last-mentioned churches respectively the average annual income of one thousand pounds; and such other annual sums shall be determined on to be paid, and shall be accordingly paid, by the said Commissioners, or such deductions shall be allowed to be made out of the proceeds of any suspended canonry or canonries, as, after like inquiry and calculation, shall give to the dean of every cathedral and collegiate church in England an average annual income of one thousand pounds, and to the deans of Saint David's and Llandaff respectively an average annual income of seven hundred pounds, and to the respective canons of every cathedral church in England an average annual income of five hundred pounds, and to the canons of the said churches of Saint David and Llandaff an average annual income of three hundred and fifty pounds, and as shall also enable the respective chapters of Chester and Ripon to provide for the efficient performance of all the duties of the said churches and the maintenance of the fabrics thereof.†

* Extended by 5 & 6 Vict. c. 108. ss. 11, 14. pp. 157, 159.

† For other modes of effecting the same objects see 4 & 5 Vict. c. 39. s. 20. p. 100. and 6 & 7 Vict. c. 77. s. 6. p. 202.

Mode of
applying
the reve-
nues at the
disposal of
the Com-
missioners.

LXVII. And be it enacted, that, except as herein otherwise specified, all the monies and revenues to be paid to the Ecclesiastical Commissioners for England, and all the rents and profits of the lands, tithes, and other hereditaments vested and to be vested in them the said Commissioners by and under the authority of this act, together with all accumulations of interest produced by and arising therefrom, shall be from time to time carried over by the said Commissioners to a common fund, and by payments or investments made out of such fund, or, if in any case it be deemed more expedient, by means of an actual conveyance and assignment of such lands, tithes, or other hereditaments, or of a portion thereof, additional provision shall be made, by the authority herein-after provided, for the cure of souls in parishes where such assistance is most required, in such manner as shall, by the like authority, be deemed most conducive to the efficiency of the Established Church: provided always, that in making any such additional provision out of any tithes, or any lands or other hereditaments allotted or assigned in lieu of tithes so vested or to be vested in the said Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen.

Special
arrange-
ments, with
consent of
bishop or
chapter.

LXVIII. * And be it enacted, that, by the authority herein-after provided, and for the purpose of fully carrying into effect any of the provisions of this act or of the said first-recited act, any sum of money

* Extended by 4 & 5 Vict. c. 39. s. 21. p. 101. and 5 & 6 Vict. c. 26. s. 8. p. 116.

which

which shall have been invested in the public funds or in other security or securities, in trust for any ecclesiastical body corporate, aggregate or sole, may, upon an application in writing to the Ecclesiastical Commissioners for England, under the hand and seal of such body corporate, and in the case of any chapter with the consent of the visitor thereof, be directed to be sold, and the same shall be sold accordingly; and the produce of such sale shall be applied to such purpose and in such manner as shall appear most conducive to the permanent benefit of such body corporate; and also, for any like purpose, and by the like authority, any arrangement may from time to time be made, with the consent in writing under the corporate seal of any bishop or chapter, for the sale, transfer, or exchange of any lands, tithes, or other hereditaments belonging to the see of such bishop, or to such chapter, or for the purchase of other lands, tithes, or other hereditaments in lieu thereof, or for substituting in any case any lands, tithes, or other hereditaments for any money payment.

LXIX. And be it enacted, that, so soon as conveniently may be, and by the authority hereinafter provided, such arrangements may be made with respect to benefices which are annexed by act of parliament or otherwise to the headships of colleges in the universities of Oxford and Cambridge, as may enable the respective colleges, if they shall think fit, to sell, or themselves to purchase, the advowsons of such benefices, and to invest the proceeds in proper securities, with provisions for the payment of the interest and annual profits thereof to the respective heads of the colleges for the time being; and that upon the completion of the said arrangements re-

Benefices annexed to headships of colleges may be sold.

spectively the existing incumbents of such benefices respectively shall be at liberty, upon resigning the same, to receive the interest and annual profits of the proceeds arising from such sales respectively.

Benefice
annexed to
the profes-
sorship of
divinity in
Cambridge
may be
sold.

LXX. And be it enacted, that, so soon as conveniently may be, and by the like authority, arrangements may be made to enable the university of Cambridge, if they shall so think fit, to sell the advowsons of the benefices annexed to the regius professorship of divinity in the said university or any of them, and to invest the proceeds of any such sale in proper securities, with a provision for the payment of the interest and annual profits thereof to the regius professor of divinity for the time being; and that upon the completion of the sale of any such advowson the existing incumbent of the benefice shall be at liberty, upon resigning the same, to receive such interest and annual profits.

Sinecure
prefer-
ments may
be annexed
to benefices
with cure
of souls,
with con-
sent of
patrons.

LXXI. And be it enacted, that with respect to any benefice with cure of souls which is held together with or in the patronage of the holder of any prebend or other sinecure preferment belonging to any college in either of the universities, or to any private patron, arrangements may be made by the like authority, and with the consents of the respective patrons, for permanently uniting such preferment with such benefice; provided that this act shall not apply to or affect any prebend or other sinecure preferment in the patronage of any college or of any lay patron in any other manner than as is herein expressly enacted.

Benefices
held in
medieties
may be
divided or
consoli-
dated, with
consent of
patrons.

LXXII. And be it enacted, that with respect to any parish in which both the profits and the spiritual charge are divided between two or more incumbents, each having a mediety or portion of the benefice, a
plan

plan or plans may be framed by the bishop of the diocese, with the consent of the patron or patrons, and so as not to prejudice the interests of any existing incumbent, for constituting any of such portions separate benefices, or for consolidating two or more of such portions into one benefice to be held by one incumbent, or for making such other arrangements as he may judge likely to promote the efficient discharge of pastoral duties in such parishes; and any such plan may be carried into effect by the authority herein-after provided: Provided always, that nothing herein contained shall restrain the bishop from doing any act or exercising any power which he may now lawfully do or exercise without the consent of the patron or without the aid of the said Commissioners.

LXXIII. And be it enacted, with an especial view to the better care of populous parishes, that arrangements may from time to time be made by the like authority for improving the value or making a better provision for the spiritual duties of ill-endowed parishes or districts, by means of such * exchange of advowsons, or of such other alterations in the exercise of patronage, as may be agreed upon by patrons, with the consent of the bishop in every such case, or in the case of benefices lying in more than one diocese, then with the consent of the bishop of each diocese, and where a bishop is himself one of the patrons, with the consent of the archbishop.

Provisions for securing the better performance of spiritual duties in ill-endowed parishes.

LXXIV. And be it enacted, that arrangements may be made by the like authority for the appor-

Income of benefices belonging

* See also 4 & 5 Vict. c. 39. s. 22. p. 101.

to one
patron may
be appor-
tioned in
certain
cases.

tionment of the income of two benefices belonging to the same patron between the incumbents or ministers of such benefices, or the churches or chapels connected therewith; provided that no such arrangement shall be made with respect to benefices in lay patronage without the consents of the respective patrons, nor in any case so as to prejudice the interests of any existing incumbent, nor without the consent of the bishop of the diocese, nor, in the case of benefices lying in more than one diocese, without the consent of the bishop of each diocese, nor, where a bishop is himself one of the patrons, without the consent of the archbishop also.

Saving of
existing
interests.

LXXV. Provided always, and be it enacted, that nothing in this act contained respecting the division of corporate property, the diminution of the income of any deanery or canonry, the severance of separate property, or the limitation of the exercise of patronage possessed in right of separate property, shall affect any dean, canon, prebendary, dignitary, or officer in possession at the passing of this act, except as herein-before expressly enacted; but every dean, canon, prebendary, dignitary, and officer hereafter appointed shall be subject to such regulations as shall be made in pursuance of this act; and that the provisions herein contained respecting the qualification of persons to be presented to any benefice in the patronage of any chapter, or the apportionment of the income of any such benefice, shall not affect such chapter so long as any person who shall be a member thereof at the passing of this act shall continue such member; and that with respect to benefices in the patronage of either of the chapters of Saint Paul in
London

London and of Lincoln the fourth or junior canon for the time being shall not have any voice in the exercise of such patronage so long as any one of the present members of such chapter shall continue to be a member thereof.

LXXVI. And be it declared and enacted, that nothing in this act or in the said first-recited act contained shall be construed to prejudice or affect any of the provisions of an act passed in the second year of the reign of His late Majesty King William the Fourth, intituled “ *An Act to extend the Pro-
 “ visions of an Act passed in the Twenty-ninth Year
 “ of the Reign of His Majesty King Charles the
 “ Second, intituled ‘ An Act for confirming and
 “ ‘ perpetuating Augmentations made by Ecclesiasti-
 “ ‘ cal Persons to small Vicarages and Curacies,’ and
 “ for other Purposes,” or of the act therein recited :
 Provided nevertheless, that after the passing of this act no augmentation made under such provisions, by any bishop or by any chapter whose revenues are affected by this act or the said first-recited act, shall be valid and effectual without the consent of the Ecclesiastical Commissioners for England. •

Declara-
 tion as to
 1 & 2 W. 4.
 c. 45.

LXXVII. And be it enacted, that the Ecclesiastical Commissioners for England shall forthwith, and from time to time as they shall think necessary, cause to be amended the valuation of the revenues of the bishoprics, cathedrals, collegiate churches, ecclesiastical corporations, aggregate and sole, and benefices, in England and Wales, which was made and estimated according to the returns made to the commissioners appointed to inquire into the revenues and

Valuation
 of ecclesi-
 astical re-
 venues to be
 amended.

* Appendix, p. 366.

patronage of the Established Church in England and Wales, and specified in the report made by the said last-mentioned commissioners bearing date the sixteenth day of June in the year one thousand eight hundred and thirty-five; and when any such amended valuation shall be completed, and shall have been approved by Her Majesty in council, the same shall be printed by Her Majesty's printer, and when so printed shall be taken and held to be evidence of the value of every dignity, office, or benefice therein mentioned, for all the purposes of this act and of the said first-recited act.

Appoint-
ment of
additional
commis-
sioners.

LXXVIII. And be it enacted, that, in addition to the Commissioners named in and appointed or to be appointed by or under the provisions of the first-recited ^a act, the following persons shall be Ecclesiastical Commissioners and members of the corporation of the Ecclesiastical Commissioners for England, for all the purposes of the said first-recited act and of this act; that is to say, all the bishops of England and Wales for the time being respectively, the lord chief justice of England, the master of the rolls, the lord chief justice of Her Majesty's court of common pleas, the lord chief baron of Her Majesty's court of exchequer, the judge of the prerogative court of the archbishop of Canterbury, the judge of the high court of admiralty for the time being respectively (such chief justices, master of the rolls, chief baron, and judges being respectively members of the united church of England and Ireland), the deans of the cathedral churches of Canterbury and Saint Paul in London, and of the collegiate church

• 6 & 7 W. 4. c. 77. s. 1. p. 14.

of Saint Peter Westminster for the time being respectively; and also four such lay persons (being members of the said united church) as shall be duly appointed by Her Majesty, and whom Her Majesty is hereby authorized to appoint, under Her royal sign manual, to be such Commissioners; and such other two lay persons (being members of the said united church) as shall be duly appointed by the lord archbishop of Canterbury for the time being, and whom the said archbishop is hereby authorized to appoint, under his hand and archiepiscopal seal, to be such Commissioner.

LXXIX. And be it enacted, that when any vacancy shall occur among such six last-mentioned Commissioners, by death, resignation, or otherwise, it shall be lawful for Her Majesty, or for the said archbishop, as the case may be, to fill up such vacancy by the appointment of some other lay person (being a member of the said united church) to be a Commissioner; and the person so appointed shall thereupon become and be an Ecclesiastical Commissioner, and a member of the corporation of the Ecclesiastical Commissioners for England, for all the purposes of the said first-recited act and of this act.

LXXX. And be it enacted, that every lay Commissioner appointed by or under the provisions of this act shall, before acting as such Commissioner, subscribe the declaration required of the other lay Commissioners by the said first-recited act.*

LXXXI. And be it enacted, that so much of the first-recited act as relates to the removal by Her

How vacancies to be filled up.

New Commissioners to subscribe declaration.

Commissioners not to be removeable.

* See 6 & 7 W. 4. c. 77. s. 3. p. 16.

Majesty of any Commissioner shall be and the same is hereby repealed; and every Commissioner appointed or to be appointed by name by or under the provisions of the said first-recited act or of this act shall hold his appointment as an Ecclesiastical Commissioner, and shall be a member of the corporation of the Ecclesiastical Commissioners for England, so long as he shall well demean himself in the execution of his duties as such Commissioner.

Notice of
Meetings.

LXXXII. And be it enacted, that the provisions of the first-recited *act, whereby it is required that due notice of every meeting shall be given to every Commissioner, shall not be construed to apply to any Commissioner who at the time of giving notice of any meeting shall not be within England or Wales, nor to any Commissioner who shall have intimated to the secretary that for any specified time (such time including the period of holding any meeting) he the said Commissioner will not be able to attend the meetings of the Commissioners: Provided always, that no act, matter, or thing affecting any Commissioner, being a bishop or dean, or the see or diocese or cathedral or collegiate church of such Commissioner, shall be done at any meeting whereof due notice shall not have been given to such Commissioner, without his consent in writing previously obtained.

Ecclesiastical Commissioners to lay schemes before Queen in council, for carrying

LXXXIII. And be it enacted, that the Ecclesiastical Commissioners for England shall from time to time prepare and lay before Her Majesty in council such schemes as shall appear to the said Commissioners to be required and to be best adapted

* 6 & 7 W. 4. c. 77. s. 4. p. 16. See also 4 & 5 Vict. c. 39. s. 1. p. 86.

for carrying this act into full effect, and shall in such schemes recommend and propose all such measures, as may, upon further inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for that purpose: provided always, that, previously to laying any such scheme before Her Majesty in council, notice thereof shall be given to any corporation aggregate or sole affected thereby; and the objections, if any, of such corporation shall be laid before Her Majesty in council, together with such scheme: provided also, that nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such scheme such modifications or variations, as to matters of detail and regulation, as shall not be substantially repugnant to any provision of this act or of the said last-mentioned act.

into effect
the said
recommen-
dations.

Notice to
parties
affected.

LXXXIV. And be it enacted, that when any such scheme shall be approved by Her Majesty in council it shall be lawful for Her Majesty in council to make an order or orders ratifying the same, and specifying the time or times when such scheme or the several parts thereof shall take effect, and to direct every such order to be registered by the registrar of each of the dioceses whereof the bishop, or within which any cathedral or collegiate church, dignitary, chapter, member of a chapter, officer, incumbent, or any other person or body corporate, may or shall be in any respect affected thereby.

Queen in
council
may make
order for
carrying
schemes
into effect.

LXXXV. And be it enacted, that in any order made by Her Majesty in council under the authority of this act or of the first-recited act it shall be sufficient to refer to the act under the authority whereof

Orders
need only
refer to act.

whereof the order is made, and it shall not be necessary to recite any of the provisions of this act or of the said first-recited act.

Orders
gazetted to
be of full
effect.

LXXXVI. And be it enacted, that every such order shall, as soon as may be after the making thereof by Her Majesty in council, be published in the London Gazette; and so soon as any order in council made under the authority of this act or of the first-recited act shall be so gazetted it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this act.

Copies of
orders to
be laid
before par-
liament.

LXXXVII. And be it enacted, that a copy of every order of Her Majesty in council made under this act shall be laid before each house of parliament in the month of January in every year, if parliament shall be then sitting, or if parliament be not then sitting within one week after the next meeting thereof.

Penalty for
neglect of
registra-
tion.

LXXXVIII. And be it enacted, that the registrar of every diocese to whom any order of Her Majesty in council made by virtue of this act shall be delivered shall forthwith register the same in the registry of his diocese; and if any such registrar shall refuse or neglect to register any such order he shall for every day during which he shall so offend forfeit twenty pounds, and if his offence shall continue for the space of three months he shall forfeit his office, and it shall be lawful for the bishop of the diocese to appoint a successor thereto.

Fee to re-
gistrar.

LXXXIX. And be it enacted, that for such registration as aforesaid the registrar shall not be entitled to receive any fee or reward, but on every search for any such order he shall be entitled to
receive

receive a fee of three shillings, and for every copy or extract of any such order certified by him he shall be entitled to receive four-pence for every folio of ninety words; and the copy of every such entry, certified by the registrar, shall be admissible as evidence in all courts and places whatsoever.

XC. And be it enacted, that all the powers and authorities vested in the Ecclesiastical Commissioners for England by the first-recited act with reference to the matters therein contained shall be continued, and extended and apply to the said Commissioners, and to the Commissioners appointed by or under the provisions of this act, with reference to all matters contained in this act, and may be used and exercised by them as fully and effectually as if the said powers and authorities were repeated in this act; * *and the said first-recited act and this act shall be construed as if they were one and the same act.*

Provisions
of 6 & 7
W. 4. c. 77.
extended to
this act.

XCI. And be it enacted, that, notwithstanding any thing in the first-recited act contained, the offices of treasurer and secretary to the said Commissioners shall be united and shall be one office, and shall be held and the duties thereof performed by the same person; and Charles Knight Murray, esquire, barrister at law, shall continue to be treasurer and secretary, and may hold the said office so long as he shall well demean himself therein; and upon any vacancy of the said office by death, resignation, or otherwise, the Ecclesiastical Commissioners for England shall appoint a successor thereto, by an instrument in writing under their common seal.

Office of
treasurer
and secre-
tary.

* Repealed by 4 & 5 Vict. c. 39. s. 30. p. 109.

Ecclesiastical jurisdiction continued.

XCII. And be it enacted, that the temporary provisions of the said first-recited * act shall continue and be in force until the † first day of August one thousand eight hundred and forty-one, and if parliament shall be then sitting until the end of the then session of parliament: Provided always, that, notwithstanding any thing in the said first-recited act or in this act contained, any bishop or archdeacon may hold visitations of the clergy within the limits of his diocese or archdeaconry, and at such visitations may admit churchwardens, receive presentments, and do all other acts, matters, and things by custom appertaining to the visitations of bishops and archdeacons in the places assigned to their respective jurisdiction and authority, under or by virtue of the provisions of the said first-recited act; and any bishop may consecrate any new church or chapel or any new burial ground within his diocese.

Construction of the terms "canon" and "minor canon."

XCIII. And be it enacted, that in the construction of this act the term "canon" shall be construed to mean only every residentiary member of chapter, (except the dean) heretofore styled either prebendary, canon, canon residentiary, or residentiary; and the term "minor canon" shall be construed to extend to and include ‡ every vicar, vicar choral, priest vicar, and senior vicar, being a member of the choir in any cathedral or collegiate church.

Act may be amended, &c.

XCIV. And be it enacted, that this act may be amended or repealed by any act to be passed in the present session of parliament.

* 6 & 7 W. 4. c. 77. ss. 20. to 25. pp. 22. 24.

† Further continued by 6 & 7 Vict. c. 60. p. 195.

Limited to spiritual persons, by 4 & 5 Vict. c. 39. s. 15. p. 98.

SCHEDULE to which this Act refers.

Cathedral or Collegiate Church.	Number of Canons.	Cathedral or Collegiate Church.	Number of Canons.
CANTERBURY -	6	MANCHESTER -	4
DURHAM -	6	NORWICH -	4
ELY - -	6	ST. PAUL'S, LONDON.	4
WESTMINSTER -	6	PETERBOROUGH	4
WINCHESTER -	5	RIPON - -	4
EXETER - -	5	ROCHESTER -	4
BRISTOL - -	4	SALISBURY -	4
CARLISLE - -	4	WELLS - -	4
CHESTER - -	4	WINDSOR -	4
CHICHESTER -	4	WORCESTER -	4
GLOUCESTER -	4	YORK - -	4
HEREFORD -	4	SAINT DAVID'S -	2 *
LICHFIELD -	4	LLANDAFF -	2 *
LINCOLN - -	4		

* Increased to four, see 6 & 7 Vict. c. 77. s. 2. p. 200.

ANNO QUARTO & QUINTO
VICTORIÆ REGINÆ.

C A P. XXXIX.

*An Act to explain and amend Two several Acts relating
to the Ecclesiastical Commissioners for England.*

[21st June 1841.]

WHEREAS an act was passed in the seventh
year of the reign of His late Majesty, intituled
“ An Act for carrying into effect the Reports of 6 & 7 W. 4.
c. 77.
“ the Commissioners appointed to consider the State
“ of the Established Church in England and Wales,
“ with reference to Ecclesiastical Duties and Re-
“ venues, so far as they relate to Episcopal Dioceses,
“ Revenues, and Patronage:” And whereas another
act was passed in the last session of parliament,
intituled “ An Act to carry into effect, with certain 3 & 4 Vict
c. 113.
“ Modifications, the Fourth Report of the Commis-
“ sioners of Ecclesiastical Duties and Revenues:”
And whereas it is expedient to explain and amend
certain provisions in the said acts contained; be it
therefore enacted by the Queen’s most Excellent
Majesty, by and with the advice and consent of the
lords spiritual and temporal, and commons, in this
present parliament assembled, and by the authority
of

Commis-
sioners may
adjourn
meetings
from day
to day.
6 & 7 W. 4.
c. 77. s. 4.
3 & 4 Vict.
c. 113. s. 82.

Proviso as
to confirm-
ing pro-
ceedings.

Cathedrals
in which
honorary
canonries
are found-
ed.
3 & 4 Vict.
c. 113. s. 23.

of the same, that, notwithstanding any thing in either of the said recited acts contained, it shall be lawful for the Ecclesiastical Commissioners for England, at any meeting duly convened according to the provisions thereof, to continue and adjourn such meeting from day to day for any such number of days as they shall deem necessary; and the proceedings of the said Commissioners, and all acts, matters, and things done and executed by them on each and every of such days of adjournment, shall be as valid and effectual to all intents and purposes as if the same had been done and executed on the first day of such meeting: provided always, that no proceeding which requires to be ratified and confirmed by the common seal of the corporation shall be finally concluded by the affixing of the said seal on any such day of adjournment, unless notice of the intention to propose such proceeding for final consideration and decision shall have been sent together with every notice issued for such first day of meeting.

II. And for the removal of all doubts respecting the foundation of honorary canonries, be it declared and enacted, that honorary canonries are and shall be founded forthwith in the cathedral churches of Canterbury, Bristol, Carlisle, Chester, Durham, Ely, Gloucester, Norwich, Oxford, Peterborough, Ripon, Rochester, Winchester, and Worcester, and in the collegiate church of Manchester, so soon as the same shall become a cathedral church, and in no other cathedral church; and that all the provisions of the secondly recited act which purport to relate to honorary canonries shall apply to the honorary canonries so founded.

III. And

III. And be it enacted, that the holding of an honorary canonry, or of any prebend, dignity, or office, not now in any manner endowed, or whereof the lands, tithes, or other hereditaments, endowments, or emoluments shall have been vested in the Ecclesiastical Commissioners for England, or which may hereafter be endowed to an amount not exceeding twenty pounds by the year, shall not be construed to prevent the holding therewith of more benefices than one; and that no such prebend, dignity, or office, which was vacant on the thirteenth day of August last, or became so at any time since, shall be deemed to have lapsed by reason of such vacancy, but hath remained and shall remain in the patronage of the archbishop or bishop of the diocese for the time being until a successor shall be collated thereto; and that every such prebend, dignity, or office, which shall hereafter become vacant, and every such honorary canonry, shall in like manner be and remain in the patronage of the archbishop or bishop of the diocese for the time being until a successor shall be collated thereto; any royal prerogative, statute, canon, or usage to the contrary notwithstanding.

Honorary preferment may be held with two benefices, 3 & 4 Vict. c. 113. ss. 23. 51. and shall not be subject to lapse.

IV. And whereas it is not just that first fruits and tenths should be paid by the holders of dignities, prebends, and offices of which the estates are vested in the said Ecclesiastical Commissioners, and it is inexpedient to diminish the amount of the fund accruing to the governors of Queen Anne's Bounty in respect of such prebends, dignities, and offices, and of sinecure rectories; be it enacted, that the holders of all dignities, prebends, and offices, whereof

First fruits and tenths of vacated prebends, &c. 3 & 4 Vict. c. 113. ss. 48, 49, 50, 51. 54.

the lands, tithes, tenements, and other hereditaments and endowments shall have become so vested, shall be absolutely relieved and discharged from the payment of all first fruits and tenths in respect of such their dignities, prebends, and offices respectively; and that the said Commissioners shall yearly and every year, on or before the thirty-first day of March, but of the monies at their disposal under the provisions of the secondly recited act, pay or cause to be paid to the treasurer of the said governors for the time being a sum equal to one twentieth part of the aggregate amount charged for first fruits on all dignities, prebends, offices, and sinecure rectories, of which the lands, tithes, tenements, or other hereditaments or endowments had on the last day of the preceding December become so vested in the said Commissioners, as an average compensation for, and in full satisfaction of all claim of the said governors to, the first fruits heretofore payable in respect thereof; and the said Commissioners shall also, subject to the proviso herein-after contained, on or before the same day of March, and out of the same monies, pay or cause to be paid yearly and every year to the said treasurer for the time being the aggregate amount of the tenths due to the said governors for or in respect of all the same dignities, prebends, offices, and sinecure rectories; provided always, that nothing herein contained shall relieve any person from the payment of any tenths which he is now bound to pay by any covenant contained in any lease held by him: provided also, that in case of any bishop being deprived by the provisions of this act of any tenths heretofore receivable by him, the amount thereof

thereof shall from time to time and out of the same monies be paid or allowed to such bishop by the said Commissioners.

V. And be it declared and enacted, that the holding of a canonry residentiary, prebend, or office is not nor shall be necessary to the holding of the deanery of any cathedral church in England, nor to the entitling of any dean to his full share of the divisible corporate revenues of such church, although such share may not heretofore have been received by any preceding dean otherwise than as a canon residentiary; and that the holding of a prebend is not nor shall be necessary to the holding of either of the residentiary canonries in the cathedral church of Saint Paul in London which are in the direct patronage of Her Majesty.

Deans need not hold prebends.
3 & 4 Vict.
c.113. s.24.

VI. And be it declared and enacted, that the provisions of the secondly recited act and of this act, by virtue of which any lands, tithes, or other hereditaments, endowments, or emoluments belonging to any dignity, prebend, or office, in any cathedral or collegiate church, have accrued to and become vested in, or may accrue to or become vested in, the said Ecclesiastical Commissioners, do and shall be construed to extend to and include all lands and tenements, (except any house within the precincts of such church belonging to any canonry or usually held and enjoyed therewith, or any small portion of land situate within the limits and precincts of any cathedral or collegiate church, or in the vicinity of any residence house, which, under the provisions of the secondly recited act, may be reserved to such church, or permanently annexed to any residentiary house

by

Commissioners to have same claims as duly qualified prebendaries.
3 & 4 Vict.
c. 113.
ss. 49, 50, 51.

by the authority in the same act provided,) tithes, or other hereditaments, endowments, and emoluments, of what nature or kind soever, which, if the said secondly recited act had not been passed, any successor to such dignity, prebend, or office would have been entitled to possess or receive, if duly qualified in all respects according to the statutes and usages of his church to possess or receive the same, and if qualified and ready at all times personally and duly to perform all the duties and services of such his prebend, dignity, or office.

Provisions
of
3 & 4 Vict.
c. 113. to
apply to
other non-
residen-
tiary pre-
bends, &c.
ss. 22. 51,
52, 53.

VII. And be it enacted, that all the provisions in the said secondly recited act and in this act contained relating to lands, tithes, or other hereditaments or endowments belonging to prebends not residentiary, shall apply also to all lands, tithes, and other hereditaments and endowments belonging to the respective offices of sacrist, custos, and hospitaller in any cathedral or collegiate church, or enjoyed by the holders thereof in right of such offices, as fully and effectually as if such offices had been expressly named as subject to such provisions.

Applica-
tion of cer-
tain monies
to parishes
of St. Mar-
garet's and
St. John's,
Westmin-
ster.
3 & 4 Vict.
c. 113. s. 31.

VIII. And be it enacted, that so much of the secondly recited act as relates to the application of certain monies therein specified towards making a better provision for the cure of souls in the respective parishes of Saint Margaret and Saint John, Westminster, shall be repealed; and that it shall be lawful to apply such monies towards making such better provision in such manner as by the authority in the same act provided shall be deemed best for the spiritual interests of the said parishes respectively; provided that such monies shall be exclusively
applied

thereof shall from time to time and out of the same monies be paid or allowed to such bishop by the said Commissioners.

V. And be it declared and enacted, that the holding of a canonry residentiary, prebend, or office is not nor shall be necessary to the holding of the deanery of any cathedral church in England, nor to the entitling of any dean to his full share of the divisible corporate revenues of such church, although such share may not heretofore have been received by any preceding dean otherwise than as a canon residentiary; and that the holding of a prebend is not nor shall be necessary to the holding of either of the residentiary canonries in the cathedral church of Saint Paul in London which are in the direct patronage of Her Majesty.

Deans need not hold prebends.
3 & 4 Vict.
c. 113. s. 24.

VI. And be it declared and enacted, that the provisions of the secondly recited act and of this act, by virtue of which any lands, tithes, or other hereditaments, endowments, or emoluments belonging to any dignity, prebend, or office, in any cathedral or collegiate church, have accrued to and become vested in, or may accrue to or become vested in, the said Ecclesiastical Commissioners, do and shall be construed to extend to and include all lands and tenements, (except any house within the precincts of such church belonging to any canonry or usually held and enjoyed therewith, or any small portion of land situate within the limits and precincts of any cathedral or collegiate church, or in the vicinity of any residence house, which, under the provisions of the secondly recited act, may be reserved to such church, or permanently annexed to any residentiary house

Commissioners to have same claims as duly qualified prebendaries.
3 & 4 Vict.
c. 113.
ss. 49, 50, 51.

by

by the authority in the same act provided,) tithes, or other hereditaments, endowments, and emoluments, of what nature or kind soever, which, if the said secondly recited act had not been passed, any successor to such dignity, prebend, or office would have been entitled to possess or receive, if duly qualified in all respects according to the statutes and usages of his church to possess or receive the same, and if qualified and ready at all times personally and duly to perform all the duties and services of such his prebend, dignity, or office.

Provisions
of
3 & 4 Vict.
c. 113. to
apply to
other non-
residen-
tiary pre-
bends, &c.
ss. 22. 51,
52, 53.

VII. And be it enacted, that all the provisions in the said secondly recited act and in this act contained relating to lands, tithes, or other hereditaments or endowments belonging to prebends not residentiary, shall apply also to all lands, tithes, and other hereditaments and endowments belonging to the respective offices of sacrist, custos, and hospitaller in any cathedral or collegiate church, or enjoyed by the holders thereof in right of such offices, as fully and effectually as if such offices had been expressly named as subject to such provisions.

Applica-
tion of cer-
tain monies
to parishes
of St. Mar-
garet's and
St. John's,
Westmin-
ster.
3 & 4 Vict.
c. 113. s. 31.

VIII. And be it enacted, that so much of the secondly recited act as relates to the application of certain monies therein specified towards making a better provision for the cure of souls in the respective parishes of Saint Margaret and Saint John, Westminster, shall be repealed; and that it shall be lawful to apply such monies towards making such better provision in such manner as by the authority in the same act provided shall be deemed best for the spiritual interests of the said parishes respectively; provided that such monies shall be exclusively applied

applied within the respective parishes with which the canonries in the collegiate church of Saint Peter Westminster are connected, and from the proceeds of which they respectively accrue; and that with respect to the parish of Saint John, it shall also be lawful, by the like authority, in the same manner, to apply so much of the monies paid over to the Ecclesiastical Commissioners for England, or to their account, by the treasurer of the governors of the bounty of Queen Anne, under the provisions of the same act, as came to his hands by reason of the temporary suspension of the canonry in the said church, to which is now annexed the rectory of the said parish of Saint John, together with any interest which may have accrued thereon.

IX. And be it enacted, that, notwithstanding any thing in the said secondly recited act contained, it shall be lawful by the authority in the same act provided, with the consent of the bishop of any diocese, and of the patron of any benefice within the limits of any archdeaconry in such diocese, to endow such archdeaconry, by the annexation thereto of such benefice, such annexation to take effect immediately, if the benefice be vacant at the time of such endowment, or otherwise upon the then next vacancy thereof; and every benefice so annexed, and every future holder thereof, shall be subject to all the provisions of an act passed in the second year of Her present Majesty's reign, intituled "An Act to

Archdea-
conries may
be endowed
with bene-
fices.

3 & 4 Vict.
c. 113.
ss. 34, 35.

1 & 2 Vict.
c. 106.

"abridge the holding of Benefices in Plurality, and
"to make better Provision for the Residence of the
"Clergy:" provided always, that no such annexation shall take effect as to any archdeacon in possession at

the

the passing of this act, without his consent; and in default of such consent at the time when any benefice would otherwise so as aforesaid become annexed, or until such consent be given, during the incumbency of such archdeacon, the income and emoluments of such benefice shall, after due provision thereout being made for the cure of souls in the parish or district of such benefice, be applied, by the like authority, either in improving the existing house and buildings, or in providing a new house of residence for such benefice, or in improving or augmenting the glebe belonging thereto, or if no such improvement or augmentation be deemed necessary, then for the benefit of any poor benefice or benefices within the same archdeaconry.

The provision in 1 & 2 Vict. c. 106. as to archdeacons holding two benefices, to extend to peculiars.

X. And whereas it is by the thirdly recited act provided, that nothing therein-before contained shall be construed to prevent any archdeacon from holding, together with his archdeaconry, two benefices, under the limitations in the said act mentioned with respect to distance, joint yearly value, and population, and one of which benefices shall be situate within the diocese of which his archdeaconry forms a part, or one cathedral preferment in any cathedral or collegiate church of the diocese of which his archdeaconry forms a part, and one benefice situate within such diocese: And whereas doubts are entertained whether the said provision includes benefices of peculiar or exempt jurisdiction, and it is expedient that such doubts should be removed; be it therefore enacted, that the said provision shall extend and apply to benefices locally situate within the diocese of which any such archdeaconry shall form a part, although
the

the same may not be subject to the jurisdiction of the bishop of such diocese.

XI. And be it enacted, that any canonry or portion of the income of a canonry or benefice annexed to any archdeaconry under the provisions of the secondly recited act or this act may at any time, upon the representation of the bishop of the diocese, and by the authority in the said secondly recited act provided, be disannexed from such archdeaconry on the vacancy thereof, and annexed to any other archdeaconry in the same diocese.

Endowment may be disannexed from one archdeaconry and annexed to another.

XII. And be it enacted, that so much of the said secondly recited act as relates to the archdeacon of Nottingham and to the parish of Southwell shall be repealed; and that the Bishop of Lincoln, and not the Archbishop of York, shall from henceforth be the visitor of the collegiate church of Southwell, and shall enjoy all powers now vested in the said archbishop as such visitor; and that, notwithstanding any thing in the said secondly recited act contained, no appointment shall be made to any canonry or prebend in the said collegiate church, but that so soon as every person who was a member of the chapter thereof at the passing of the same act shall have ceased to be such member, all lands and tenements, tithes, and other hereditaments belonging to the said church or the chapter thereof, except any right of patronage, shall, without any conveyance or assurance in the law other than the provisions of this act, accrue to and be vested in the Ecclesiastical Commissioners for England, and their successors, for the purposes of the secondly recited act and of this act; and that out of the lands, tenements, tithes, and

Further provisions respecting Southwell. 3 & 4 Vict. c. 113. ss. 18. 36. 41.

and other hereditaments and endowments which shall so accrue to the said Commissioners, or the proceeds thereof, competent provision shall be made, by the authority in the said secondly recited act provided, and in such manner as shall be by such authority deemed expedient, for the services of the said church of Southwell, and for the maintenance and reparation of the fabric of the said church, and for any minor canon or officer thereof; and that the patronage of all benefices with cure of souls possessed by the said chapter shall be transferred to and vested partly in the Bishop of Ripon and partly in the Bishop of Manchester, subject to the same provisions as are in the said secondly recited act contained with respect to benefices in the patronage of the prebendaries of the said collegiate church; and that so soon as conveniently may be, and by the like authority, and out of the same lands, tenements, tithes, or other hereditaments or endowments, or the proceeds thereof, or out of any other lands, tithes, or other hereditaments or endowments now or in the meantime vested in the said Commissioners, or any emoluments already accrued or hereafter accruing to them in respect of the canonries or prebends of the said church, provision shall be made for the spiritual care of the said parish of Southwell, and for the competent endowment of ministers in the several parishes within the deanery of Southwell, wherein any of such lands, tenements, tithes, and hereditaments are respectively situate or arise; and the vicarage of Southwell shall be endowed with such portion of the tithes of the parish of Southwell, or with such other provision, as by the like authority
may

may be determined on, and may be constituted a rectory with cure of souls; and that on the then next avoidance thereof the Archdeacon of Nottingham for the time being shall become ipso facto rector of the said rectory, and the said rectory shall thenceforth be permanently annexed to the archdeaconry of Nottingham: Provided always, that the said rectory of Southwell and the incumbent thereof shall continue subject to all the provisions of the thirdly recited act passed in the second year of Her present Majesty's reign.

XIII. And whereas inconvenience arises from the mode in which certain property is now held partly by the bishop and partly by the dean and chapter of Durham in trust for the university of Durham; be it enacted, that it shall be lawful, by the authority in the said secondly recited act provided, with the consent of the said university, and also of the said bishop or of the said dean and chapter, as the case may be, to make any such arrangements as may be deemed fit by the like authority for varying, transferring, or annulling any of the trusts upon which any monies or securities for money, or any lands, tenements, tithes, or other hereditaments, are now held for the benefit of the said university, and for transferring and vesting such monies, securities for money, lands, tenements, tithes, or other hereditaments, or any part thereof, in such other manner and in such other persons or body corporate as may be deemed by the like authority most beneficial to the said university; and that the said university of Durham may, by the name of "the warden, masters, and scholars of the university of Durham,"

take

Durham
University
trusts.
3 & 4 Vict.
c. 113. s. 37.

take and purchase and hold lands, tenements, tithes, and other hereditaments to them and their successors, the statutes of mortmain or any other act or acts to the contrary notwithstanding; and that, when the lands, tenements, tithes, or other hereditaments, monies or securities for money, or any part thereof, now held by the said bishop or by the said dean and chapter in trust for the said university, shall be vested, by the authority aforesaid, in the said warden, masters, and scholars, they shall have and enjoy all the powers of sale, of purchase, of holding in mortmain, of leasing, of management, of applying the principal monies, and the rents, dividends, and interest thereof, or of such part thereof as shall be vested in them, in as full and ample manner as the said dean and chapter now have and enjoy the same powers by virtue of an act passed in the third year of the reign of His late Majesty, intituled “ * An Act to enable the Dean and Chapter
 “ of Durham to appropriate Part of the Property of
 “ their Church to the Establishment of a University
 “ in connexion therewith for the Advancement of
 “ Learning;” and that it shall be lawful for all bodies corporate, aggregate, or sole, and all other incapacitated persons named in the said act, to sell and convey to the said warden, master, and scholars, and their successors, all such lands, tenements, and hereditaments as by the said act they are enabled to sell and convey to the said dean and chapter, and in such manner and by such conveyances and assurances as in the said act are mentioned; and that it

2 & 3 W. 4.
 c. 19. (Private.)

shall be lawful for the said warden, masters, and scholars to apply the building fund to the payment of expences already incurred by the said university in erecting and completing, altering, repairing, or improving any building for the use of the said university, or for the use of any person or persons for whom the said university was or is bound to provide any office or building under an order of Her Majesty in council bearing date the nineteenth day of July one thousand eight hundred and thirty-seven, relating to the castle of Durham, and to the erection and completion, alteration, reparation, or improvement of any building erected or to be erected, not only on land now vested in the said dean and chapter, but also on land now vested in the said bishop in trust for the said university, or on land to be hereafter acquired by the said warden, masters, and scholars for any of the foregoing uses; and that it shall be lawful, by the like authority, with the consent of the said university, and also of the said bishop and of the said dean and chapter, to transfer to the said warden, masters, and scholars the whole or any part of the powers relating to the government of the said university, and the order and discipline to be observed therein, which are now vested by the last-mentioned act in the said dean and chapter.

XIV. And be it enacted, that so much of the said secondly recited act as relates to the division and application of the existing corporate revenues of the chapters of the cathedral churches of Saint David and Llandaff respectively, and to the application of the endowments belonging to the prebends

Saint David's, Llandaff, and Brecon revenues. Provisions repealed. 3 & 4 Vict. c. 113. ss. 38, 39, 40.

in the collegiate church of Brecon, shall be and the same is hereby repealed.

Amend-
ments re-
lating to
minor
canons.
3 & 4 Vict.
c. 113.
ss. 44, 45,
46.

a. 93.

XV. And be it declared and enacted, that, notwithstanding any thing in the secondly recited act contained, any minor canon in any cathedral or collegiate church may take and hold, together with his minor canonry, any benefice which is within the distance prescribed by the said act; and that in every case in which any dean before the passing of the same act enjoyed a right, as such dean, to appoint any minor canon, nothing therein contained shall be construed to deprive him or his successors thereof; and that, in the construction of the same act and of this act, the term "minor canon" shall not be construed to extend to or include any other than a spiritual person.

Majority of
members
to consti-
tute a
chapter.
3 & 4 Vict.
c. 113. s. 47.

XVI. And be it enacted, that in every cathedral church in which any canonry or canonries is or are or shall be suspended, a majority of the existing members of chapters, including or not including the dean, according as his presence may or may not be by law required, shall at all times be a sufficient number of canons for constituting a chapter.

Sinecure
rectories
in private
patronage.
3 & 4 Vict.
c. 113. s. 48.

XVII. And be it enacted, that so much of the secondly recited act as relates to the purchase, by the Ecclesiastical Commissioners for England, of ecclesiastical rectories without cure of souls, shall be construed to extend and apply to any ecclesiastical rectory which shall by the archbishop of the province and the bishop of the diocese be certified to be, and shall by the said Commissioners be deemed to be, an ecclesiastical rectory without cure of souls, although there shall be no vicarage endowed

dowed or perpetual curacy belonging thereto or connected therewith; provided that when any such ecclesiastical rectory purchased by the said Commissioners shall have become suppressed under the provisions of the same act, the whole, if it be deemed necessary, or such part as shall be deemed necessary by the said Commissioners, of the lands, tithes, or other endowments belonging to such rectory, and of the proceeds thereof, shall, by the authority in the same act provided, be set apart and applied towards the spiritual care of the population of the parish or district in which such lands, tithes, or other endowments are situate or accrue, in such manner as by the like authority shall be deemed expedient.

XVIII. And be it enacted, that the provisions of the secondly recited act relating to the disposal of residence houses, and houses attached to any dignity, prebend, or office in the precincts of the respective cathedral and collegiate churches, and also so much of an act passed in the second year of the reign of His late Majesty as annexes to the archdeaconry of Durham the house of residence therein mentioned, shall be repealed; and that the dean and chapter of any cathedral or collegiate church, with the consent of their visitor, may from time to time sanction and confirm the exchange of houses of residence, or of houses attached to any dignities, offices, or prebends in the precincts of such church, among the canons of such church, or may make any such arrangement to take effect at any future time, or may assign any one of such houses being vacant to any canon willing to accept the same in lieu of the house theretofore oc-

Disposal of
residence
houses.
3 & 4 Vict.
c. 113. s. 58.
2 & 3 W. 4.
c. 10. (Pr.)

cupied by him, and *thereupon** any house no longer required by any canon may by the said dean and chapter be disposed of in such way as they shall deem fit, with the consent of their visitor, and of the Ecclesiastical Commissioners for England, signified under their common seal; provided that all acts, matters, and things relating to any such house already done under the last-mentioned provisions of the said secondly recited act shall be valid and effectual to all intents and purposes.

Correction
of error
respecting
endow-
ments be-
longing to
Lichfield
prebends.
3 & 4 Vict.
c. 113. s. 63.

XIX. And be it declared and enacted, that the provisions of the secondly recited act which purport to relate to the endowments belonging to the suspended prebends in the cathedral church of Lichfield were intended to apply and do apply to all the lands and tenements, tithes, and other hereditaments and endowments, which are or are to be vested in the said Ecclesiastical Commissioners, by or under the provisions of the said act, by reason of the vacancy of any canon residentiary, or of any prebend, dignity, or office not residentiary, in the said church.

Enlarged
discretion
as to mode
of fixing
incomes.
3 & 4 Vict.
c. 113.
ss. 52. 66.

XX. And be it declared and enacted, that, notwithstanding any thing in the secondly recited act contained relating to the payment of fixed annual sums by certain deans and canons, and the payment of other annual sums to certain deans and chapters therein respectively named or referred to, or relating to the transfer of parts of the lands, tithes, or other hereditaments therein specified to the chapters of York, Chichester, Exeter, Hereford, Lichfield, Salisbury, and Wells respectively, for the purposes

* This word virtually repealed by 5 & 6 Vict. c. 26. s. 7. p. 115.

therein respectively specified, it shall be lawful, by the authority in the same act provided, to carry such purposes or any of them into effect by any mode of payment, contribution, augmentation, or endowment which may be deemed fit, as well as by the modes in the said act specified; and that the scale of payments and receipts may from time to time in any case be revised, and, if need be, varied by the like authority, so as to preserve, as nearly as may be, the intended average annual incomes respectively, but not so as to affect any dean or canon in possession at the time of making any such variation.

XXI. * And be it declared and enacted, that the provisions of the secondly recited act relating to the sale, transfer, or exchange of any lands, tithes, or other hereditaments, the purchase of other lands, tithes, or other hereditaments in lieu thereof, or the substitution of any lands, tithes, or other hereditaments for any money payment, do and shall extend to authorize the substitution of any money payment for any lands, tithes, or other hereditaments, and do and shall include and apply to all lands, tithes, or other hereditaments in the possession or enjoyment of any dean, canon, prebendary, or other dignitary or officer of any cathedral or collegiate church or in the possession of the Ecclesiastical Commissioners for England; and the consent in writing under the hand only of any such dean, canon, prebendary, or other dignitary or officer, shall be deemed to be a consent within the meaning of the said act.

XXII. And be it declared and enacted, that it is and shall be competent to the authority in the first-

Powers of exchange, &c. extended to all corporations sole. 3 & 4 Vict. c.113. s.68.

Provisions of 3 & 4 Vict.c.113 s. 73., respecting exchange

* Further extended by 5 & 6 Viet. c. 26. s. 8. p. 116.

of advow-
sons, to
authorize
exchange
by eccle-
siastical
corpora-
tions.

Exchanges
of advow-
sons may
be made
for the
purpose of
unions.

1 & 2 Vict.
c. 106. s. 16.

recited act provided to make arrangements, under and according to the provisions of the said act, for improving the value or making a better provision for the spiritual duties of ill-endowed parishes or districts, by means of the exchange of advowsons, or other alterations in the exercise of patronage, notwithstanding that such advowsons, or any or either of them, or such patronage, shall be vested in or belong to any ecclesiastical corporation aggregate or sole.

XXIII. And be it enacted, that whenever it shall be made to appear to the Ecclesiastical Commissioners for England that it would be expedient to make an exchange of an advowson, or of any right of patronage, for any other advowson or right of patronage, with a view to proceedings being taken for the union of two or more benefices under the provisions of the said act passed in the second year of Her present Majesty's reign, it shall be lawful for the said Commissioners, with the consent of the patron or patrons of every such advowson or right of patronage, and also, in case any such advowson or right of patronage shall be vested in or belong to any ecclesiastical corporation aggregate or sole, with the consent of the bishop of the diocese, or in the case of benefices lying in more than one diocese then with the consent of the bishop of each diocese, and where a bishop shall be himself one of the patrons with the consent of the archbishop of the province, to certify the same to such archbishop; and that thereupon, if the said archbishop shall think fit, proceedings may be taken, under and in pursuance of the provisions of the said last-mentioned act, for effecting the union of such benefices; and the
said

said archbishop, at the same time that he shall certify to Her Majesty in council the inquiry and consent referred to in the same act, shall transmit such certificate of the said Commissioners to Her Majesty in council, together with an abstract of the title to any advowson or right of patronage mentioned in the certificate of the said Commissioners, other than advowsons or rights of patronage belonging to any such ecclesiastical corporation as aforesaid, and the opinion of counsel on such title; and that thereupon it shall be lawful for Her Majesty in council, in any order for such licence made and issued under the provisions of the same act, to order that such exchange as aforesaid shall take effect; and upon such order being made and registered pursuant to the said act the said exchange shall be valid and effectual, without any other assurance in the law, and notwithstanding that the advowsons or rights of patronage, or any or either of them, exchanged by virtue of the said order, were or was previously thereto vested in or belonged to any such ecclesiastical corporation as aforesaid; and the respective exchangees, their heirs, appointees, successors, and assigns, shall thenceforth stand seised of the advowsons or rights of patronage so taken in exchange, in the same manner to all intents and purposes, and subject to the same trusts, powers, limitations, charges, and incumbrances (if any), as the advowsons or rights of patronage by them given in exchange were respectively held and were subject.

XXIV. And be it declared and enacted, that all the provisions relating to the consent of patrons of benefices, contained in the thirdly recited act passed

Consent of
patrons
how to be
given.
1 & 2 Vict.
c. 106.

ss. 125 to
128 inclu-
sive.
3 & 4 Vict.
c. 113.
ss. 71, 72,
73, 74.

in the second year of the reign of Her present Majesty, shall be construed to apply to the consent of patrons under the provisions of the secondly recited act and of this act, as fully and effectually as if the same had been therein and herein repeated and enacted respecting the patrons of benefices affected by such secondly recited act and this act.

Division of
corporate
revenues at
Windsor
and Lin-
coln.
3 & 4 Vict.
c. 113. s. 75.

XXV. And be it enacted, subject to the provisions of the said secondly recited act with respect to the interests of existing incumbents, that in the Queen's Free Chapel of Saint George within Her castle of Windsor, so soon as a vacancy shall occur in the deanery, the share of the divisible corporate revenues from time to time payable to each canon appointed after the passing of the same act, and to the Ecclesiastical Commissioners for England in respect of each suspended canonry, shall be one fourteenth part of the whole of such revenues, and the remainder thereof shall be paid to the dean; and in the cathedral church of Lincoln, so soon as the chapter thereof shall entirely consist of a dean and canons appointed after the passing of the said secondly recited act, the whole divisible corporate revenues shall from time to time be divided into six shares, and two of such shares shall be paid to the dean, and one of such shares shall be paid to each canon; and in the meantime such revenues may be so apportioned by the authority in the said secondly recited act provided as to afford just shares thereof to the new members of chapter.

Augmenta-
tions under
1 & 2 W. 4.
c. 45. made
by corpora-

XXVI. And be it declared and enacted, that the provisions of the secondly recited act respecting the augmentations of benefices under the provisions of an

act passed in the second year of the reign of His late Majesty King William the Fourth, intituled “ An Act “ to extend the Provisions of an Act passed in the “ Twenty-ninth Year of the Reign of His Majesty “ King Charles the Second, intituled ‘ An Act for “ ‘ confirming and perpetuating Augmentations “ ‘ made by Ecclesiastical Persons to small Vicarages “ ‘ and Curacies,’ and for other Purposes,” therein recited, do and shall extend and apply to every dean, canon, prebendary, or other dignitary or officer whose revenues are or may be affected by any of the provisions of the said two first-recited acts or either of them, or of this act; and if, for the purpose of more fully carrying into effect the provisions of the said act relative to augmentations, it shall appear to the said Commissioners and to any bishop or chapter to be expedient that any land belonging to such bishop or chapter adjacent to or situate within the distance of twenty miles from any city or town should be let or sold for purposes of building or other improvement, it shall be lawful for such bishop or chapter, as the case may be, with the consent of the said Commissioners under their common seal, to grant any lease or leases of such land for such period or periods and upon such conditions as the said Commissioners, having regard to the circumstances of the case, shall deem just and equitable*, or, with the like consent, to convey the said land in fee simple for such price as shall appear to the said Commissioners to be the full value thereof; provided that the rent in the former case, or the purchase money in the latter case, after reserving to the bishop or chapter, as the case may be,

tions sole to be with consent of Commissioners. 3 & 4 Vict. c. 113. s. 76.

and building land may be let or sold for the purpose.

* See also 5 & 6 Vict. c. 108 p. 143.

an annual payment equal to the amount theretofore enjoyed in respect of the land so let or sold, shall be wholly applied to the purposes of the said last-mentioned act, the consent of the said Commissioners being in all cases necessary to the particular application thereof: provided also, that if it be deemed expedient with a view to the better effecting of such purposes, such rent or purchase money, or any part thereof, may, with the like consent, be at any time reinvested in the purchase of land.

Commis-
sioners may
pay agents,
&c.

XXVII. And be it enacted, that it shall be lawful for the Ecclesiastical Commissioners for England, out of the revenues accruing to them under the said recited acts respectively or this act, to pay and defray all necessary law charges, and to make any such allowance for costs, charges, expences, pains, and trouble as to the said Commissioners shall appear just and reasonable to any person employed by them in receiving or paying any monies accruing to them, or in auditing any accounts relating thereto, or in surveying, valuing, or performing any other duty relating to or connected with the possession or management of any lands, tithes, or other hereditaments vested in them the said Commissioners, or relating to or connected with any other matter or thing to be done or executed under the authority of the said recited acts, or either of them, or of this act.

Act not to
apply to
Saint
Asaph and
Bangor, &c.

XXVIII. And be it enacted, that * *nothing in this act contained shall, except as herein-after specified, extend or apply to the dioceses or cathedral churches of Saint Asaph and Bangor, or either of them; and*

* The whole of what follows in *Italics* is repealed, and all the provisions of this Act are extended to these dioceses, &c., by 6 & 7 Vict. c. 77. s. 1. p. 199.

that

that an act passed in the sixth year of the reign of His late Majesty, intituled “ *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales,*” and another act passed in the seventh year of the reign of His said late Majesty, intituled “ *An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories,*” and such parts of another act passed in the second year of the reign of Her present Majesty, intituled “ *An Act to suspend until the First Day of August One thousand eight hundred and forty certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts,*” as relate to the two last-mentioned acts, so far only as the same acts and parts of an act apply to the said two last-mentioned dioceses and churches or either of them, and also the temporary provisions of the first herein-recited act, shall respectively continue and be in force until the first day of August in the year one thousand eight hundred and forty-two, and, if parliament shall be then sitting, until the end of the then session of parliament* : provided always, that notwithstanding any thing in the same acts, or any or either of them, or in this act contained, it shall be lawful for the Bishop of Bangor for the time being to collate to any vacant canonry,

5 & 6 W. 4.
c. 30.;

6 & 7 W. 4.
c. 67.;

2 & 3 Vict.
c. 55.; continued for another year, as to St. Asaph and Bangor, and Ecclesiastical Courts.

* Continued by 6 & 7 Vict. c. 60. p. 195.

prebend, dignity, or office in the said cathedral church of Bangor not having any estate or endowment belonging thereto; and also that any bishop or archdeacon may hold visitations of the clergy within the limits of his diocese or archdeaconry, and at such visitations may admit churchwardens, receive presentments, and do all other acts, matters, and things by custom appertaining to the visitations of bishops and archdeacons in the places assigned to their respective jurisdiction and authority under or by virtue of the provisions of the said first or secondly recited act; and any bishop may consecrate any new church or chapel or any new burial ground within his diocese.

Construc-
tion of the
terms
“lands,”
&c.

XXIX. And for the purpose of removing all doubts respecting the meaning of the terms “real estates,” “lands,” and “lands, tenements, and hereditaments,” be it declared and enacted, that the said terms, wherever they occur, either in the recital or in the enactments of either of the said recited acts, or in any scheme, or any order of Her Majesty in council, prepared and issued under the authority of those acts or either of them, shall respectively be construed to include and comprehend lands, tithes, tenements, and other hereditaments, except any right of ecclesiastical patronage; and that the said first-mentioned terms, and also the term “lands, tithes, tenements, or other hereditaments,” in any part of either of the said recited acts or in this act or in any such scheme or order in council contained, shall be construed to apply and extend to lands, tithes, tenements, and other hereditaments, as well in reversion as in possession, and to any leasehold interest therein;

therein ; and that the term “ tithes ” in either of the said acts or in this act contained shall extend to and comprehend rents-charges allotted or assigned in lieu of tithes ; and the Ecclesiastical Commissioners for England shall, in respect of all lands, tithes, tenements, or other hereditaments, endowments, or emoluments already vested or liable to be vested in them by or under the provisions of either of the said acts or of this act, be deemed to be the owners or joint owners thereof respectively, as the case may be, for all the purposes of an act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled “ An Act for the Commutation “ of Tithes in England and Wales,” and of the several acts to explain and amend the same.

Provisions
of Tithe
Commu-
tation Acts
extended
to Com-
missioners.

6 & 7 W. 4.
c. 71.

XXX. And be it enacted, that all the powers and authorities vested in Her Majesty in council and in the Ecclesiastical Commissioners for England by the two first-recited acts or either of them with reference to the matters therein respectively contained, and all other the provisions of the secondly recited act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued, and extended and apply to Her Majesty in council and to the said Commissioners, and to all schemes and orders prepared, made, and issued by them respectively with reference to all matters contained in this act, as fully and effectually as if the said powers, authorities, and other provisions were repeated in this act ; and that so much of the said secondly recited act as enacts that the said first-recited act and the said secondly recited act shall

Powers of
6 & 7 W. 4.
c. 77. and
3 & 4 Vict.
c. 113.
extended
to this Act.

be

be construed as if they were one and the same act,
shall be repealed.

Act may be
amended
this session.

XXXI. And be it enacted, that this act may be
amended or repealed by any act to be passed in the
present session of parliament.

ANNO QUINTO & SEXTO
VICTORIÆ REGINÆ.

C A P. XXVI.

An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence. [31st May 1842.]

WHEREAS it is expedient to alter and amend the law relating to ecclesiastical houses of residence: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that whenever it shall appear to be expedient to relieve any bishop having more episcopal houses of residence than one from any of such houses, or to provide any bishop with a more convenient house of residence, or to add to, alter, improve, or take down and rebuild any episcopal house of residence, or to improve the demesnes thereof, it shall be lawful, by the authority provided in an act passed in the session of parliament held in the sixth and seventh years of the reign of His late Majesty, intituled "An Act

Episcopal house may in certain cases be taken down and sold, or may be rebuilt or altered.

6 & 7 W. 4.
c. 77.
" for

“ for carrying into effect the reports of the Commis-
 “ sioners appointed to consider the state of the
 “ Established Church in England and Wales, with
 “ reference to ecclesiastical duties and revenues, so
 “ far as they relate to episcopal dioceses, revenues,
 “ and patronage,” with the consent under the hand
 and episcopal seal of the bishop, to make such
 arrangements as may by such authority be deemed
 most expedient, for selling and conveying, to such
 person or body corporate, and for such consideration
 as may be approved by the like authority, any epis-
 copal house of residence then belonging to the see
 of such bishop, or for taking down the same or any
 part thereof, and selling the site or the materials
 thereof (as the circumstances may render expedient),
 or for adding to, altering, improving, or taking
 down and rebuilding any episcopal house of resi-
 dence, or for improving the demesnes adjoining to
 any such house by the purchase of any land, tene-
 ment, or hereditament in the immediate neighbour-
 hood or within the view thereof, or for building a
 new episcopal house of residence for any see on any
 site to be approved by the like authority ; and for
 applying the proceeds of any such sale as aforesaid,
 or any part thereof, to any of such purposes, or to
 any such other purposes, and in such manner as
 shall appear to be most conducive to the permanent
 benefit of the see ; and that so much of the said
 act as relates to the providing of any bishop with a
 more suitable and convenient residence shall be
 extended so as to include and apply to any of the
 purposes of this act.

Provisions
 of 6 & 7
 W. 4. c. 77.
 s. 1. made
 applicable
 thereto.

II. Pro-

II. Provided always, and be it enacted, that in any scheme which shall be laid before Her Majesty in council by the Ecclesiastical Commissioners for England under this act, recommending any arrangement for taking down or selling any episcopal residence, or changing the site thereof, the said Commissioners shall set forth particularly the grounds and reasons upon which they deem it expedient to offer such recommendation.

Commissioners to state their reasons for the alteration.

III. And be it enacted, that an act passed in the session of parliament held in the second and third years of Her Majesty's reign, intituled "An Act to enable Archbishops and Bishops to raise Money on Mortgage of their Sees, for the Purpose of building and otherwise providing fit Houses for their Residence," shall be repealed; provided that nothing herein contained shall affect any subsisting mortgage made under the provisions thereof, but that every such mortgage, and all proceedings completed and in progress in respect thereof, shall be as valid and effectual, and all the parties to such mortgage or to any such proceeding shall continue subject to the same conditions and provisions as if the said act had not been repealed.

Repeal of 2 & 3 Vict. c. 18. except as to subsisting mortgages.

IV. And be it enacted, that in case such a deficiency shall have been or would be created in the average annual income of any bishop appointed after the passing of the said first-recited act, by the effecting of any mortgage or other arrangement under either of the said acts or this act, as to reduce it below the average annual income of such bishop named in the first-recited

Deficiency in bishop's income may be supplied.

act*, or in any order of Her Majesty in council issued under the provisions thereof, it shall be lawful, by the authority aforesaid, out of any monies from time to time standing to the credit and account of the Ecclesiastical Commissioners for England, being part of payments from the larger sees respectively towards the augmentation of the incomes of the bishops of the smaller sees, if it shall be deemed fit, and if such monies, after duly considering all the claims thereon, shall appear to be sufficient for such purpose, to make any arrangement for supplying or preventing such deficiency or any part thereof which by the like authority shall be deemed expedient.

Chapters,
deans, and
canons may
purchase,
and alter,
take down,
or rebuild.

V. And be it enacted, that it shall be lawful for the dean and chapter, or for the dean, or for any canon of any cathedral church, under the authority aforesaid, to purchase any episcopal house of residence sold under the provisions of this act, or the site of any such house, or any other house or site, being contiguous or near to such cathedral church, or any part of such house or site, and to add to, alter, or improve any such house, or to take down the same, and to build another house or more houses than one upon the site thereof, or to apply the site of any such house, or any part thereof, by and with the authority aforesaid, to the improvement of the cathedral or the precincts thereof; and that so much of an act passed in the session of parliament held in the third and fourth years of Her Majesty's reign, intituled "An Act to carry into effect, with certain

Provisions
of 3 & 4
Vict.c.113.
s. 59. made
applicable
thereto.

* See 6 & 7 W. 4. c. 77. s.1. pp. 9, 10.

“ Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues,” as relates to the raising of monies by any dean or canon for the purpose of building, enlarging, or otherwise improving the residence house of his deanery or canonry, shall be extended so as to make lawful the raising of monies, in the manner and with the authority therein provided, by any dean and chapter, dean, or canon, for any purpose of this act.

VI. And be it enacted, that any house so purchased by the dean and chapter, dean or canon of any cathedral church, or any house erected upon any site so purchased, may by the authority aforesaid, and with the consent of the dean and chapter, be made the deanery, or the house of residence for any canon of such church ; and the house theretofore occupied as the deanery, or any house no longer required as the house of residence of any canon, may be so applied or disposed of as may by the same authority and with the like consent be determined on.

Episcopal house may be made the deanery or a canonical house.

VII. And be it declared and enacted, that the provisions of an act passed in the session of parliament held in the fourth and fifth years of Her Majesty's reign, intituled “ An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England,” respecting the disposal of houses no longer required by any canon, do and shall apply to all such houses, whether there may have been any exchange of such houses or not.

Provisions of 4 & 5 Vict.c. 39. s. 18., respecting disposal of canonical houses, to apply to all such houses.

Defining
other pro-
visions of
3 & 4 Vict.
c.113. s.68.
and extend-
ing them to
this act.

VIII. And be it declared and enacted, that the provisions of the thirdly-recited act, relating to the sale and application of any sum of money invested in trust for any ecclesiastical body corporate, do and shall include and apply to all monies and securities for money, and to all stock in the government funds or elsewhere, standing in the name of the accountant general of the court of chancery, or in the name or names of any other public officer, or of any individual or individuals, for or to the credit or for the benefit of or in trust for any bishop, dean and chapter, dean or canon, whether for the purpose of being laid out in land or otherwise; and that the same provisions, and also the provisions of the same act relating to the sale, transfer, or exchange of any lands or other hereditaments belonging to any bishop or chapter, shall extend and may be applied to any of the purposes of this act.

Certain
fixtures and
articles of
furniture
in any
house sold
or taken
down may
be sold, or
removed to
any other
house.

IX. And be it enacted, that whenever any house of residence to be sold or taken down as aforesaid shall contain any pictures, books, or other goods and chattels belonging to the owner of such house in right of his dignity and not in his private capacity, directions shall be given by the authority aforesaid for the sale of such fixtures and articles of furniture as shall be deemed to be unfit for removal to the new or other house of residence, and for the application of the money arising from such sale to purposes consistent, as nearly as may be, with the source from whence the money shall have arisen, and also for the removal to such new or other house of residence of all such pictures and books, and of all such
other

other fixtures, goods, and chattels, as shall be deemed to be fit for removal thereto, and for the deposit and care of them thereat, in conformity, as nearly as may be, with the uses to which they were previously applicable respectively.

X. And be it enacted, that in every case of a house of residence purchased, built, rebuilt, added to, altered, or improved under the authority of the first-recited act or of this act, or the provisions of the secondly-recited act, all fixtures, fittings, and other articles in such house which shall have been or shall be paid for out of any monies provided or raised under such authority or such provisions, and which shall be set forth in an inventory in writing, certified under the common seal of the said Commissioners, and registered in the registry of the diocese, shall be deemed to be, to all intents and for all purposes, as much part and parcel of the freehold of such house of residence as any fixtures can in any case now by law be held to be part and parcel of the freehold.

Certain articles to be deemed freehold fixtures.

XI. And be it enacted, that it shall be lawful, by the authority aforesaid, to direct that any house of residence purchased, built, rebuilt, added to, altered, or improved under the provisions of the said recited acts or either of them, or of this act, shall be insured and kept insured by the bishop, dean, or canon for the time being in the occupation thereof, at his own personal charge and expence, in such public office or offices of assurance from loss or damage by fire, and in such sum or sums, as by the like authority may be deemed fit, and such house shall be insured and kept

Residence houses to be insured.

insured accordingly; and that the receipt for every premium payable for any such insurance shall be delivered to the said Commissioners within fourteen days after such premium shall become due; and that in case of loss or damage by fire to any such house so insured, it shall be lawful, by the like authority, to direct in what manner the money received under any such insurance shall be deposited, in trust to be applied towards the rebuilding or repairing and the reinstating of such house, or of any such part thereof as may have so suffered loss or damage, and also to direct in what manner the same money, and the interest and accumulations thereof, if any, shall be applied to such last-mentioned purposes.

Corpora-
tions and
persons
under legal
disability
empowered
to sell.

XII. And be it enacted, that it shall be lawful for any corporation, aggregate or sole, tenant for life or in tail, guardian, committee, or trustee, on behalf of their or his successors, heirs, remaindermen, issue in tail, infants, lunatics, and cestuique trusts respectively, and for any feme covert, to contract for, sell, and convey any lands, tenements, or hereditaments, or if copyhold to enfranchise the same, for any of the purposes of the first and thirdly recited acts or this act; and that if the purchase money shall amount to or exceed the sum of two hundred pounds, the same shall be paid, without fee or reward, into the Bank of England, in the name and with the privity of the accountant general of the court of chancery, to be placed to his account ex parte the bishop, dean and chapter, dean or canon, as the case may be, to whom or for whose benefit any such lands, tenements, or heredi-

Applica-
tion of
purchase
money
where it
exceeds
200l.

taments shall have been so sold and conveyed or enfranchised, to the intent that such money shall be applied, under the direction of the said court, by order made upon the summary petition of the corporation or person entitled to the rents and profits of the said lands, tenements, or hereditaments, in the purchase of the land tax, or towards the discharge of any debt or debts, or other incumbrance, or any part thereof, affecting the same lands, tenements, or hereditaments, or affecting other lands, tenements, or hereditaments standing settled therewith to the same or the like uses, intents, and purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction, in the purchase of other lands, tenements, or hereditaments, to be conveyed to, for, or upon such and the like uses, intents, and purposes, and in the same manner, as the lands, tenements, or hereditaments so sold, conveyed, or enfranchised stood settled or limited, or such of them as shall be then existing undetermined and capable of taking effect; and in the meantime, and until such purchase shall be made, the same money shall, by like order, be invested by the said accountant general in his name in the purchase of three pounds per centum consolidated or reduced bank annuities; and in the meantime and until the said bank annuities shall be ordered by the said court to be sold for any purpose aforesaid, the dividends and annual produce thereof shall, by like order, be from time to time paid to such corporation or person; and that any such purchase money which shall be less than the sum of two

Where less
than 200*l*.
but exceed-
ing 20*l*.

hundred pounds, and shall exceed the sum of twenty pounds, shall be paid to three trustees, to be nominated in an instrument in writing duly executed by such corporation or person, and approved by the said Commissioners under their common seal; in order that such principal money, and the dividends accruing thereon, may be applied in manner herein-before directed, so far as may be, without the direction or approbation of the said court; and that any such purchase money which shall not exceed the sum of twenty pounds shall be paid to such corporation or person; and the certificate of the cashier of the Bank of England shall be a sufficient discharge for any such purchase money as aforesaid therein certified to be received; and in case of infancy or other incapacity, the receipt in writing of any guardian, husband, committee, or trustee, as the case may be, for any such purchase money, shall be a sufficient discharge for the amount therein acknowledged to be received.

When not exceeding 20*l*.

Certificates of cashier and receipts of guardians, &c. to be good discharges.

Restriction as to mortgaging certain augmented benefices.

XIII. And be it enacted, that the powers for enabling incumbents of benefices to raise money by way of mortgage for the purpose of purchasing, building, or improving their houses of residence shall not be exercised by the incumbent of any benefice augmented under the provisions of the thirdly-recited act, without the consent of the said Commissioners signified under their common seal.

Powers of 3 & 4 Vict. c. 113. extended to this act.

XIV. And be it enacted, that all the powers and authorities vested in Her Majesty in council and in the said Commissioners by the thirdly-recited act, with reference to the matters therein contained, and
all

all other the provisions of the same act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and apply to Her Majesty in council and to the said Commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

XV. And be it enacted, that this act may be amended or repealed by any act to be passed in the present session of parliament.

Act may be amended, &c. this session.

ANNO QUINTO & SEXTO
VICTORIÆ REGINÆ.

Cap. 19.

Part of An Act for enabling the Dean and Chapter of the Cathedral and Metropolitcal Church of Saint Peter of York to raise Money for the Discharge of Debts, and for effecting the Restoration and Repair of the said Cathedral Church. [9th July 1842.]

RECITES, that the dean and chapter of York are entitled to an estate called the rectory of Topcliffe, being part of the Fabric Estate, the rents and profits whereof are applicable to the improvement of the cathedral church; that the Saint Peter's Estate is applicable to the like purpose; that the dean and chapter have expended considerable sums above the monies available for those purposes from the Saint Peter's Estate and the Fabric Estate, and in addition to the amount raised by voluntary subscriptions, and have incurred considerable debts, and the clear annual income of the said estates, after defraying the ordinary charges thereon, is inadequate to discharge the principal of the said debts; that the roof of the nave and the interior of the south-western tower

tower of the said cathedral church, with the clock and bells therein, were destroyed by fire on the twentieth day of May one thousand eight hundred and forty, and the expence of reinstating the same has been estimated at the sum of twenty-five thousand pounds, and the sum of fourteen thousand pounds or thereabouts has been contributed by public subscription towards the restoration of the same; that the north transept is in a dangerous state, and a considerable outlay will be required to preserve the same, and other parts of the cathedral are in a state of great dilapidation, and the expence of such last-mentioned repairs is estimated at the sum of twenty-eight thousand two hundred pounds; and it is expedient that the dean and chapter should be authorized to raise, in the manner herein-after mentioned, a sum of money for discharging the debts already incurred, and enabling them to proceed with the restoration of the cathedral; that the dean and chapter are seised of an estate at Bishop Burton, which hath been accustomably leased to a lessee for three lives, and the lease hath from time to time been renewed on the dropping of each life upon payment of a fine; that in one thousand eight hundred and thirty-six it was leased to Richard Watt for the lives of the said Richard Watt, Francis Watt, and Anthony Atkinson, at the yearly rent of thirty-seven pounds, and ten pounds yearly for augmentation of poor vicarages and curateships; that the said Richard Watt has offered fifteen thousand five hundred pounds for the purchase of the reversionary interest of the dean and chapter in the said estate; that the benefice with cure of souls of the parish of Bishop Burton

Lease of the Bishop Burton estate by the dean and chapter to R. Watt, esq., for three lives, 12th April 1836.

is a vicarage in the patronage of the said dean and chapter, and the net yearly income of the benefice is one hundred and ten pounds; and the dean and chapter are desirous of augmenting the income of the said vicarage, and have proposed that one thousand pounds, part of the said purchase money, shall be paid to the governors of the bounty of Queen Anne for the augmentation of the said vicarage; and the dean and chapter are desirous that the residue of the said purchase money shall be paid over to the persons herein-after authorized to receive the money directed to be raised under the provisions of this act, (in order that the same may be applied for the purposes of this act in manner herein-after mentioned,) and shall be considered as a loan by the said dean and chapter out of their common estate to the said dean and chapter in their character of trustees of the said estates called Saint Peter's Estate and the Fabric Estate, to be repaid out of the rents and profits of the same last-mentioned estates by instalments without interest, in the manner herein-after expressed; and that the money to be so repaid shall be laid out in the purchase of other lands or hereditaments, to be held upon the same trusts and for the same purposes as the said estate at Bishop Burton would have for the time being been subject to in case this act had not been passed and the lease of the said estate had expired; and that until the said money shall be so laid out, the annual produce thereof shall be applicable in the same manner as the rents and profits of the hereditaments to be purchased therewith would for the time being be applicable:

Power to the dean and chapter to borrow 12,000*l.* on mortgage, for a term of years, of all or any part of their estates in the parish of Topcliffe;

to be repaid in forty-three years.

The money borrowed by the dean and chapter to be paid to the chapter clerk and Wm. Gray the younger.

applicable: It is therefore enacted, that it shall be lawful for the said dean and chapter to borrow any sum or sums of money not exceeding twelve thousand pounds, and as a security for the money so to be borrowed to demise the manors, messuages, lands, tenements, rents, or hereditaments of or belonging to the said dean and chapter situate in the parish of Topcliffe, being part of the Fabric Estate, to any person or body corporate willing to lend the same for any term or terms of years, subject to a proviso for the cesser of every such term on payment of the principal to be borrowed, and such interest as shall become due for the same; (that is to say,) the interest by equal half-yearly payments, and one fortieth part of the principal at the end of the third year from the day of lending, and a like fortieth part of the principal at the end of each of the succeeding thirty-nine years, which mortgages, after the same shall have been registered in the office of the registrar of the diocese of York, shall bind the estate or property comprised therein until the principal money, interest, and costs shall be paid off, or shall cease to remain a charge thereon under the provisions of this act.

VI. It is enacted, that the monies so to be borrowed by the said dean and chapter shall be paid into the hands of the chapter clerk and treasurer for the time being of the said dean and chapter, and William Gray the younger, of the city of York, gentleman, whose receipts shall be a sufficient discharge, and they shall be possessed of the monies to be paid to them as aforesaid upon the trusts hereinafter expressed concerning the same.

VII. It

VII. It is enacted, that from and immediately after the passing of this act the dean and chapter are authorized, on payment by the said Richard Watt of fifteen thousand five hundred pounds to the chapter clerk and treasurer for the time being and the said William Gray, to convey the estate to the said Richard Watt, discharged from all claim of the dean and chapter, and their successors, and of all and every other person and persons claiming or to claim any estate or interest therein as part or parcel of the estate of the said dean and chapter.

The dean and chapter empowered to carry into effect the agreement for sale to Mr. Watt.

VIII. It is enacted, that when the fifteen thousand five hundred pounds shall have been paid by the said Richard Watt, the chapter clerk and treasurer for the time being and the said William Gray shall forthwith give notice in writing of the receipt thereof to the Ecclesiastical Commissioners for England, stating the day on which the same shall have been received, and shall thereout pay the sum of one thousand pounds sterling to the governors of the bounty of Queen Anne, (the receipts of whose treasurer shall be a sufficient discharge for the same,) for the augmentation of the benefice of the vicarage of Bishop Burton, and the said sum shall accordingly be applicable by them for the benefit of such benefice in such and the same manner, and with such and the same powers of investment, and other powers and authorities in all respects, according to the rules and regulations of the said governors for the time being, as if the same had been appropriated by the said governors for the augmentation of such benefice out of the general funds of the said governors.

On receipt of the purchase money, 1,000*l.* to be paid to the governors of Queen Anne's bounty for augmentation of the vicarage of Bishop Burton.

IX. It

The remaining 14,500*l.* to be held for the purposes after mentioned.

The 14,500*l.* to be considered as a loan to be repaid out of the income of the St. Peter's and Fabric Estates by forty annual instalments, without interest.

IX. It is enacted, that the chapter clerk and treasurer for the time being and the said William Gray shall be possessed of the sum of fourteen thousand five hundred pounds upon the trusts herein-after expressed.

X. It is enacted, that when and so soon as the fifteen thousand five hundred pounds shall have been paid by the said Richard Watt, fourteen thousand five hundred pounds, part thereof, shall be considered as a loan by the dean and chapter out of their common estate to the said dean and chapter in their character of trustees of the said estates called Saint Peter's Estate and the Fabric Estate, and to be repaid through the hands of the treasurer of the Ecclesiastical Commissioners for England by forty annual instalments, without interest, in manner following; (that is to say,) the said dean and chapter shall, at the expiration of the first year next after the day whereon the said purchase money shall be so paid by the said Richard Watt, his heirs, executors, administrators, or assigns, as aforesaid, and from time to time at the expiration of each year of the succeeding thirty-nine years, pay to the treasurer for the time being of the Ecclesiastical Commissioners for England, in the manner herein-after mentioned, out of the rents and profits of the said estates called Saint Peter's Estate and the Fabric Estate, or one of them, the sum of three hundred and sixty-two pounds ten shillings (being one equal fortieth part of the said sum of fourteen thousand five hundred pounds); and in case all or any part of any such instalment or sum of three hundred
and

and sixty-two pounds ten shillings shall at any time be in arrear and unpaid for more than forty days next after the time at which the same shall become payable, then and as often as the same shall happen it shall be lawful for the Ecclesiastical Commissioners for England and they are hereby directed, (subject nevertheless and without prejudice, so far as relates to the estates and hereditaments specified in the third schedule to this Act, to any mortgage or mortgages which shall have then been made or shall thereafter be made under the provisions of this act for securing the repayment of any monies hereinbefore authorized to be raised upon mortgage of the same estate and hereditaments, and the interest thereof,) to recover the same, or so much thereof as shall be then due, and the costs and charges attending the recovery thereof, by distress and sale of any goods and chattels of the said dean and chapter which may be in or about the same premises or any part thereof, in such manner as rents may by law be recovered by landlords from their tenants; and that in case all or any part of any such instalment or sum of three hundred and sixty-two pounds ten shillings shall at any time or times be in arrear and unpaid for more than forty days next after the time at which the same shall become payable, then and so often as the same shall happen (although there shall not have been any legal demand made thereof,) it shall be lawful for the said Ecclesiastical Commissioners for England, and they are hereby directed, to give notice thereof to any tenant or tenants of the said estates called Saint Peter's Estate and the Fabric Estate respectively, or of any part or parts thereof, and by

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such

such notice to require such tenant or tenants to pay such sum as shall be so in arrear to the said Commissioners; and from and after such notice such tenant or tenants, or his, her, or their executors, administrators, or assigns, shall pay his, her, or their rent or rents due at the time of such notice, or thereafter to grow due, subject nevertheless, as to the rent or rents due and to become due from the tenant or tenants of the said estate and hereditaments specified in the third schedule to this act, or of any part or parts thereof, to any rightful claim which may be made under any mortgage or mortgages to be made of the same estate and hereditaments, or any part thereof, under the provisions of this act as aforesaid, to the treasurer for the time being of the said Ecclesiastical Commissioners for England, until therewith and thereby or otherwise the same sum which shall be so in arrear, and all costs and charges occasioned by the nonpayment thereof, shall be paid and satisfied; and in case any such rent or rents shall be in arrear or unpaid by such tenant or tenants, or his, her, or their executors, administrators, or assigns, the said Ecclesiastical Commissioners for England shall, until such instalment or sum which shall be so in arrear, and the costs and charges occasioned by the nonpayment thereof, shall be so paid and satisfied with respect to such tenant or tenants, and his, her, or their executors, administrators, or assigns, from time to time have the same right of distress and remedy by action for the recovery of the rent in arrear as the said dean and chapter for the time being would or might have had if such notice had not been given; and the tenant or tenants to whom such notice

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tice shall be given, his, her, or their executors, administrators, or assigns, shall not be liable to the payment of his, her, or their rent or rents (due at the time of such notice or thereafter to grow due), or any part thereof respectively, unto the said dean and chapter, or their successors, until by or out of such rent or rents or otherwise such instalment or sum as shall be so in arrear as aforesaid, and all costs, charges, and expences occasioned by the non-payment thereof, shall be paid and satisfied.

XI. It is enacted, that the receipts of the treasurer for the time being of the said Ecclesiastical Commissioners for England shall be a sufficient discharge to the said dean and chapter, and every other person whomsoever, for every such instalment, and for all such rents or other sums of money hereby directed to be paid to such treasurer, as in such receipts respectively shall be acknowledged to be received.

Receipt of treasurer of Ecclesiastical Commissioners sufficient discharge.

XII. It is enacted, that each instalment or sum of three hundred and sixty-two pounds ten shillings so to be paid by the said dean and chapter, or (as the case may be) to be recovered and received by the said Ecclesiastical Commissioners for England as aforesaid, after deducting, retaining, and paying all the costs, charges, and expences already incurred or hereafter to be incurred by them in relation to the preparing or passing of this act, or carrying the provisions thereof into execution, (and which they are hereby authorized to deduct, retain, and pay accordingly,) shall be paid by their treasurer for the time being into the Bank of England, in the name and with the privity of the Accountant General of

The instalments of the 14,500*l.* to be paid into the bank.

the High Court of Chancery, and be placed to his account there “*ex parte* the dean and chapter of the cathedral and metropolitical church of Saint Peter of York,” pursuant to the method prescribed by an act of the twelfth year of the reign of his late Majesty King George the First, chapter thirty-two, and the general orders of the said court, and without fee or reward, according to the act of the twelfth year of the reign of his late Majesty King George the second, chapter twenty-four; and that the certificate or certificates to be given by the said Accountant General, together with the receipt or receipts of one of the cashiers of the said bank of England to be thereto annexed, and therewith filed in the register office of the said Court of Chancery, of the payment into the Bank of England of each or any such instalment or any part thereof, shall from time to time and at all times thereafter be deemed and taken to be a good and sufficient discharge to the said Ecclesiastical Commissioners for England and their treasurer for the monies in such certificate and receipt respectively acknowledged to be received; and that upon filing such certificate and receipt as aforesaid the said Ecclesiastical Commissioners and their said treasurer respectively shall be and are hereby absolutely acquitted and discharged of and from the money in such certificate and receipt respectively acknowledged to be received, and every part thereof, and shall not be answerable or accountable for any loss, misapplication, or nonapplication, or be obliged to see to the application of such monies respectively or of any part thereof.

The money
paid into
the bank to

XIII. It is enacted, that it shall be lawful for the said Court of Chancery at any time or times,

upon a petition to be presented in a summary way by the said dean and chapter or their successors, to order the monies which shall have been paid into the bank pursuant to this act as aforesaid, or the monies to arise by the sale of any bank annuities in which such monies may have been invested under the provisions in that behalf herein-after contained, or so much thereof respectively as shall not be ordered by the said Court of Chancery to be applied in payment of costs, charges, and expences according to the provisions herein-after contained, or any part of any such monies, to be from time to time laid out, in such manner as the said Court of Chancery shall direct, in the purchase of any freehold manors, messuages, tenements, lands, or hereditaments in England, and that upon the completion of any such purchase or purchases all and singular the hereditaments so to be purchased shall be conveyed and assured to and to the use of the said dean and chapter and their successors, and shall be for ever thereafter held by them in their corporate capacity as part of the common estate of the said dean and chapter; and the rents, issues, and profits, and other the produce thereof, shall be applicable for the same purposes and in the same manner as the rents, issues, and profits, or other produce of the said estates and hereditaments specified in the second schedule to this act would for the time being be applicable in case the lease thereof to the said Richard Watt had expired and this act had not been passed, but without prejudice to the restrictions herein-after contained in regard to any lease or leases of such purchased hereditaments.

be invested
in the pur-
chase of
other es-
tates.

The monies paid to the chapter clerk and W. Gray to be applied in payment of the debts in the schedule, and the residue to be applied as part of the Fabric Fund.

XVI. It is enacted, that the chapter clerk and treasurer for the time being of the said dean and chapter, and the said William Gray, shall, after payment of the said sum of one thousand pounds to the governors of the bounty of Queen Anne out of the said purchase money as aforesaid, and subject and without prejudice to any directions to be made by the Court of Chancery for the payment of costs, charges, and expences under the provision hereinafter contained, pay and apply the several monies to be received by them as aforesaid or a sufficient part thereof in or towards liquidation or discharge of the debts or sums of money which are mentioned and particularized in the first schedule to this act, together with interest on such of the said debts as carry interest, and shall pay and apply the residue of the said monies in the restoration and repairs of the said cathedral church, in such manner as the said dean and chapter shall from time to time direct and appoint.

Expences of the act, &c. may be taxed, and orders made for payment.

XVIII. It is enacted, that it shall be lawful for the High Court of Chancery, upon the petition of the dean and chapter, or of the governors of the bounty of Queen Anne, or of the Ecclesiastical Commissioners for England, or of any person interested, to make orders for taxing or settling all costs incurred in preparing and passing this act, and in the making of the several applications to the said Court of Chancery in pursuance of this act, and in the making or otherwise relating to any mortgage to be made in pursuance of this act, and in paying into the Bank of England such monies as are directed to be paid in,
and

and in taking out and re-investing the said monies or any of them, and in or relating to the payment of the dividends to the dean and chapter, and in investigating the title of any hereditaments to be purchased, or otherwise in carrying the trusts or purposes of this act into execution, &c., &c.

ANNO QUINTO & SEXTO
VICTORIÆ REGINÆ.

C A P. LXXIX.

Part of an Act intituled *An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof; and also to amend the Laws relating to the Stamp Duties*, so far as it relates to the Duties on Ecclesiastical Dignities, Benefices, or Promotions.

[5th August 1842.]

WHEREAS by an act passed in the * * *
fifty-fifth year of the reign of King George
the Third, intituled “An Act for repealing the Stamp
“ Duties on Deeds, Law Proceedings, and other
“ written or printed Instruments, and the Duties
“ on Fire Insurances, and on Legacies and Succes-
“ sions to Personal Estate upon Intestacies, now
“ payable in Great Britain; and for granting other
“ Duties in lieu thereof,” certain stamp duties were
granted and imposed, amongst others, upon * * *
instruments of collation, donation, presentation, and
institution of and to any ecclesiastical benefice,
dignity, or promotion in England, and upon certain
licences

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c. 184.

Duties re-
pealed.

Collations,
presenta-
tions, &c.
to bene-
fices.

licences herein-after mentioned; and it is expedient that all the said duties should be repealed, and others granted in lieu thereof; be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act the aforesaid duties granted and imposed by the said act passed in the * * * fifty-fifth year of the reign of King George the Third, (that is to say,) the * * * several and respective duties of twenty pounds and ten pounds upon any collation, donation, or presentation of or to any ecclesiastical benefice, dignity, or promotion in England, and the several and respective duties of two pounds, thirty pounds, and fifteen pounds upon any institution in and to any ecclesiastical benefice, dignity, or promotion in England, and the duty of two pounds upon any licence which shall pass the seal of any archbishop, bishop, chancellor, or other ordinary, or of any ecclesiastical courts in England, so far as relates to any licence to hold a perpetual curacy in England, not proceeding upon a nomination, shall severally cease and determine, and the same shall be and are hereby repealed, save and except such of the said respective duties, or so much and such part or parts thereof respectively as shall have become due or payable or have been incurred before or upon the day appointed for the commencement of this act with regard to such duties respectively, all which said duties or parts of duties so due or incurred, or re-
maining

maining to be paid as aforesaid, shall be recoverable by the same ways and means, and with and under the same penalties, and in the same manner, in all respects, as if this act had not been made.

II. And be it enacted, that in lieu of the duties by this act repealed there shall be raised, levied, collected, and paid, unto and for the use of Her Majesty, Her heirs and successors, in and throughout Great Britain, for and in respect of * * * the several instruments, matters, and things mentioned and described in the schedule to this act annexed, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, and things, or any of them, shall be written or printed, the several duties or sums of money set down in figures against the same respectively or otherwise specified and set forth in the same schedule; and that the said schedule shall be deemed and taken to be a part of this act; and that all the said duties shall be under the care and management of the commissioners of stamps and taxes for the time being, and shall be denominated and deemed to be stamp duties.

New duties to be levied as set forth in the schedule.

To be under the commissioners of stamps and taxes.

XXVI. And be it enacted, that this act shall commence and take effect on the respective days herein-after mentioned; (that is to say,) so much thereof as relates to the duties on passengers conveyed on railways shall commence and take effect on the first day of August in this present year one thousand eight hundred and forty-two; and so much thereof as relates to stage carriages, and licences for keeping, using, or employing the same, and to the duties thereon, shall commence and take effect on the

Commencement of act.

the third day of October in this present year one thousand eight hundred and forty-two; and so much as relates to any other duties, matters, and things shall commence and take effect on the passing of this act.

SCHEDULE

CONTAINING

The DUTIES by this Act granted on * * * the Instruments, Matters, and Things herein mentioned and described ; (that is to say,)

						Duty.		
						£	s.	d.
* * * *								
Collation or appointment by any archbishop or bishop to any cathedral prebend, dignity, office, or honorary canonry, having no endowment or emolument attached or belonging thereto	-	-	-	-	-	2	0	0
Collation by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion in England, other than as aforesaid	-	-	-	-	-	7	0	0
And where the net yearly value of such benefice, dignity, or promotion shall amount to 300 <i>l.</i> or upwards, then for every 100 <i>l.</i> thereof, over and above the first 200 <i>l.</i> , a further duty of	-	-	-	-	-	5	0	0
Donation or presentation by Her Majesty, or Her heirs or successors,* of or to any ecclesiastical benefice, dignity, or promotion in England	-	-	-	-	-	5	0	0
And where the net yearly value of such benefice, dignity, or promotion shall amount to 300 <i>l.</i> or upwards, then for every 100 <i>l.</i> thereof, over and above the first 200 <i>l.</i> , a further duty of	-	-	-	-	-	5	0	0

* See also 6 & 7 Vict. c. 72. ss. 1 & 2. pp. 197, 198.

	Duty.		
	£	s.	d.
Institution granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court, to any ecclesiastical benefice, dignity, or promotion in England :			
Where the same shall proceed upon a presentation - - -	2	0	0
And where it shall proceed upon the petition of the patron to be himself admitted and instituted -	7	0	0
And if in the latter case the net yearly value of such benefice, dignity, or promotion shall amount to 300 <i>l.</i> or upwards, then for every 100 <i>l.</i> thereof, over and above the first 200 <i>l.</i> , a further duty of -	5	0	0
Note :— The value of such benefice, dignity, or promotion in any and every of the cases aforesaid to be ascertained by the certificate of the Ecclesiastical Commissioners for England : Provided always, that two or more benefices episcopally or permanently united shall be deemed one benefice only.			
Licence to hold a perpetual curacy not proceeding upon a nomination - -	3	10	0

ANNO QUINTO & SEXTO
VICTORIÆ REGINÆ.

C A P. CVIII.

An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.
[12th August 1842.]

WHEREAS it would be advantageous to the estates of ecclesiastical corporations, aggregate and sole, and for the interests of the church, if such corporations were empowered to grant leases for long terms of years, under proper reservations and restrictions: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for any ecclesiastical corporation, aggregate or sole, except any college or corporation of vicars choral, priest vicars, senior vicars, custos and vicars, or minor canons, and except also any ecclesiastical hospital, or the master thereof, from time to time after the passing of this act, with such consent

Ecclesiastical corporations, aggregate or sole, (with certain exceptions,) empowered to grant building leases, under certain restrictions.

consent and under such restrictions as are herein-after mentioned, by any deed duly executed, to lease all or any part of the lands or houses of or belonging to such corporation in his or their corporate capacity (except as herein-after is mentioned), and whether such lands or houses may or may not have been previously leased under the provisions of this act, for any term or number of years not exceeding ninety-nine years, to take effect in possession, and not in reversion or by way of future interest, to any person who may be willing to improve or repair the present or any future houses thereon, or any of them, or to erect other houses instead thereof, or to erect any houses or other buildings on any lands whereon no building shall be standing, or who shall be willing to annex any part of the same lands to buildings erected or to be erected on the said lands or any part thereof, or otherwise to improve the said premises or any part thereof; and with or without liberty for the lessee to take down any buildings which may be upon the lands in such leases respectively to be comprised, and to dispose of the materials thereof to such uses and purposes as shall be agreed upon; and with or without liberty for the lessee to set out and allot any part of the respective premises to be comprised in any such lease as and for ways, passages, sewers, drains, wells, reservoirs, yards, or otherwise, for the use and convenience of the respective lessees, tenants, or occupiers of the premises, or for the general improvement of the premises; and also with or without liberty for the lessee to dig, take, and carry away and dispose of such earth, clay, sand, loam, or gravel as it shall be found

found convenient to remove for effecting any of the purposes aforesaid ; so as there be reserved by every such lease the best yearly rent that can be reasonably obtained for the premises therein comprised, payable half-yearly or oftener ; and so as every such lease be made without taking any fine, premium, or foregift, or any thing in the nature thereof, for or in respect of the making the same ; and so as in every such lease made for the purpose of having buildings erected there shall be contained a covenant on the part of the lessee to build, complete, and finish the houses which may be agreed to be erected on the premises, if not then already done, within a time or times to be specified for that purpose, and to keep in repair during the term such houses ; and so as in every such lease made for the purpose of having buildings repaired or rebuilt there shall be contained a covenant on the part of the lessee or lessees substantially to rebuild or repair the same within a time or times to be specified for that purpose, and to keep in repair during the term the houses agreed to be rebuilt and repaired ; and so as in every such lease, whether for the purpose of having buildings erected or otherwise, there be contained on the part of the lessee a covenant for the due payment of the rent to be thereby reserved, and of all taxes, charges, rates, assessments, and impositions whatsoever affecting the same premises, and also a covenant for keeping the houses erected and to be erected on the premises to be therein comprised (except any works or manufactories which may not be insurable) insured from damage by fire, to the amount of four fifths at least of the value thereof,

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thereof, in some or one of the public offices of insurance in London, Westminster, Norwich, Bristol, Exeter, Newcastle on Tyne, York, or Liverpool, or of the Kent Fire Insurance Company, (the particular office of insurance being named in the lease,) and to lay out the money to be received by virtue of such insurance, and also all such other sums as shall be necessary, in rebuilding, repairing, and reinstating such houses as shall be destroyed or damaged by fire, and also to surrender the possession of and leave in repair the houses erected and to be erected or rebuilt or repaired on the premises therein comprised on the expiration or other sooner determination of the term to be thereby granted, and within twenty-one days after any assignment of such lease shall be made to deliver a copy of such assignment to the lessor or reversioner for the time being; and so as in every such lease there be contained a power for the lessor or reversioner for the time being, and his or their surveyors and agents, to enter upon the premises, and inspect the condition thereof, and also a proviso or condition of re-entry for nonpayment of the rent or rents to be thereby reserved, or for nonperformance of any of the covenants, provisoes, and conditions to be therein contained, on the part of the lessee, his executors, administrators, or assigns, and with or without a proviso that no breach of any of the covenants, provisoes, and conditions to be therein contained (except the covenant for payment of the rent, and other such covenants, provisoes, or conditions, if any, as may be agreed between the parties to be so excepted,) shall occasion any forfeiture of
such

such lease, or of the term thereby granted, or give any right of re-entry, unless or until judgment shall have been obtained in an action for such breach of covenant, nor unless the damages and costs to be recovered in such action shall have remained unpaid for the space of three calendar months after judgment shall have been obtained in such action; and every such lease may also contain any other covenants, provisoes, conditions, agreements, and restrictions which shall appear reasonable to the lessor for the time being, and the person or persons whose consent is hereby declared to be essential to the validity of such lease, and particularly any provision for apportioning the rent to be reserved by any lease made under this power, and for exonerating any part of the lands or houses to be comprised in any such lease from the payment of any specified portion of the whole rent to be thereby reserved; and so that the respective lessees execute counterparts of their respective leases.

II. And be it enacted, that on every or any building or repairing lease to be granted under the authority of this Act it shall be lawful for the corporation granting such lease to reserve a small rent, during the six first years of the term thereby created, or during any of such six first years to be specified in that behalf in such lease, and to reserve, in addition to the rent to be so reserved, an increased rent or increased rents, to become payable after the expiration of such six first years, or after any of such six years to be specified in that behalf in such lease (as the case may be), or otherwise to make any such increased rent or rents first payable

Power to
reserve in-
creased
rent.

at any time not exceeding six years after the commencement of the term created by such lease when a stipulated progress shall have been made in the buildings, rebuildings, or reparations in respect of the erection, construction, or reparation of which the same lease shall have been granted.

Land may
be appro-
priated for
streets,
yards, &c.

III. And be it enacted, that it shall be lawful for any corporation hereby empowered to grant leases as aforesaid, with such consent as is hereby declared to be requisite to the validity of any lease to be granted by such corporation under the provisions of this act, to lay out and appropriate any part or parts of the lands and grounds which such corporation shall be empowered or authorized to lease, on building or repairing leases, under the provisions of this act, as and for a way or ways, yard or yards, garden or gardens, to the buildings erected or to be erected on any of the same lands or grounds, or on any of the adjoining lands or grounds so to be leased as aforesaid, or for yards or places necessary or convenient for carrying on any manufacture or trade, and also to appropriate any part of the same lands and grounds as and for ways, streets, squares, avenues, passages, sewers, or otherwise, for the general improvement of the estate, and the accommodation of the lessees, tenants, and occupiers thereof, in such manner as shall be mentioned and agreed upon in any lease to be granted as aforesaid, or in any general deed to be executed for that purpose (such general deed, if any, to be duly executed by the corporation hereby authorized to make such deed, and to be made with such consent as last aforesaid, and to be enrolled in one of Her Majesty's courts

courts of record at Westminster within six calendar months from the date of such deed), and also by such lease or general deed to give such privileges and other easements as the corporation herein-before authorized to grant such lease or make such deed shall, with such consent as aforesaid, deem reasonable or convenient.

IV. And be it enacted, that it shall be lawful for any ecclesiastical corporation, aggregate or sole, except as aforesaid, from time to time after the passing of this act, with such consent and under such restrictions as are herein-after mentioned, by any deed or deeds duly executed, to grant by way of lease, unto any person or persons whomsoever, any liberties, licences, powers, or authorities to have, use, or take, either in common with or to the exclusion of any other person or persons; all or any of the water flowing, or which shall or may flow or be made to flow, in, through, upon, or over any lands or hereditaments belonging to such corporation in his or their corporate capacity, or any part or parts thereof, (except as herein-after is mentioned,) and also any wayleaves or waterleaves, canals, water-courses, tramroads, railways, and other ways, paths, or passages, either subterraneous or over the surface of any lands, store yards, wharfs, or other like easements or privileges, in, upon, out of, or over any part or parts of the lands belonging to such corporation, in his or their corporate capacity, (except as herein-after is mentioned,) for any term or number of years not exceeding sixty years, to take effect in possession, and not in reversion or by way of future interest, so as there be reserved on every such grant by way of

Ecclesiastical corporations may lease running water, and waterleaves and wayleaves.

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lease

lease as last aforesaid, payable half-yearly, or oftener, during the continuance of the term of years thereby created, the best yearly rent or rents, either in the shape of a stated or fixed sum of money, or by way of toll or otherwise, that can be reasonably had or gotten for the same, without taking any fine, premium, or foregift, or any thing in the nature of a fine, premium, or foregift, for the making thereof (other than any provision or provisions which it may be deemed expedient to insert in any such grant, rendering it obligatory on the grantee or lessee, or grantees or lessees, to repair or contribute to the repair of any roads or ways, or to keep open or otherwise use, in any specified manner, any water or watercourse to be comprised in or affected by any such grant or lease); and so as there be contained in every such grant by way of lease as last aforesaid a condition or power of re-entry, or a power to make void the same, in case the rent thereby reserved or made payable, or any part thereof, shall not be paid within some reasonable time to be therein specified in that behalf; and so as the respective grantees or lessees do execute counterparts of the respective grants or leases, and generally that in and by each or any such grant by way of lease as last aforesaid there shall or may be reserved and contained any other reservations, covenants, agreements, provisoes, or stipulations whatsoever not inconsistent with those hereby required to be reserved or contained in each such grant by way of lease which it shall be deemed expedient to introduce therein.

Power to
confirm
leases void.

V. And be it enacted, that it shall be lawful for any corporation hereby empowered to grant leases,
from

from time to time, with such consent as is hereby declared to be requisite to the validity of any lease to be granted by such corporation under the provisions of this act, to confirm any lease, grant, or general deed purporting to have been granted or made under the authority of this act, in any case in which for some technical error, informality, or irregularity in exercising the powers of this act such lease, grant, or deed shall be voidable or questionable, or to accept an actual or virtual surrender of any lease or grant which shall have been made and executed, or which shall purport to have been made and executed, by virtue of this act; and so far as regards any mines, minerals, quarries, or beds, water-courses, ways, or other easements, which may be comprised in any such surrendered lease or grant, with such consent as aforesaid, to make any new lease or grant thereof in the same manner from time to time, as if the powers of leasing herein contained had not been previously exercised; and so far as regards any lands and houses comprised in any such surrendered lease which may have been granted for building or repairing purposes, in any case where, at the time when such surrender shall be accepted, one fourth part or more than one fourth part of the term originally granted shall remain unexpired, with such consent as aforesaid, to make a new lease or several apportioned leases of the lands and houses comprised in such surrendered lease, for any time not exceeding the then residue of the term granted, or mentioned or intended to be granted, by such surrendered lease, and at a rent or apportioned rents equal in amount to or exceeding the former rent or rents,

able for informality, and to accept surrenders and grant new leases or apportioned leases.

yet so nevertheless that no one rent shall be less than forty shillings, and so that the rent to be reserved by any apportioned lease shall in no case exceed one fifth part of the rack rent value of the land to be comprised in such lease, and of the houses erected or to be erected thereon, when finished and fit for habitation; and so far as regards any lands and houses comprised in any such surrendered lease which may have been granted for building or repairing purposes, in any case where, at the time when such surrender shall be accepted, less than one fourth part of the term originally granted shall remain unexpired, with such consent as aforesaid, to make any new lease or grant thereof, in the same manner, as far as may be applicable, as if the powers of leasing herein contained had not been exercised; and so also that in the case of the confirmation of any lease, or of the making of any new lease or grant, whether the same shall be a lease of houses for building or repairing purposes, or a lease or grant of any mines, minerals, quarries, or beds, watercourses, ways, or other easements, no fine, premium, or foregift shall be accepted for making or giving any such confirmation, or new lease or grant or apportioned lease respectively, and so as the lessee or grantee, his executors, administrators, or assigns, whose lease or grant shall be so confirmed, or to whom any such new or apportioned lease shall be granted in lieu of any former lease as aforesaid, do consent to accept such confirmation, or new lease or grant, or apportioned lease, and do execute a counterpart thereof.

VI. And

VI. And be it enacted, that it shall be lawful for any ecclesiastical corporation, aggregate or sole, except as aforesaid, from time to time, with the consent or consents hereby required, to grant or demise, by lease, for any term not exceeding sixty years, to take effect in possession, and not in reversion or by way of future interest, any mines, minerals, quarries, or beds belonging to such corporation, together with the right of working or of opening and working the same, and of working any adjacent mine by way of outstroke or other under-ground communication, and together also with such portion of land belonging to such corporation, and all such rights and liberties of way and passage, and other rights, easements, and facilities for the opening and working of all such mines, minerals, quarries, or beds, and leading and carrying away the produce thereof, or otherwise incident to mining operations, as shall be deemed expedient; and every such lease shall contain such reservations by way of rent, royalty, or share of the produce in kind, all or any thereof, or otherwise, and such powers, provisoes, restrictions, and covenants, as shall be approved by the Ecclesiastical Commissioners for England, due regard being had to the custom of the country or district within which such mines, minerals, quarries, or beds are situate; and no fine, premium, or foregift, nor any thing in the nature thereof, shall be taken for or in respect of any such lease.

Mining
leases may
be granted.

VII. And be it enacted, that the execution of any lease, grant, or general deed by the person or corporation, or several persons or corporations, whose consent is hereby made requisite to the validity of such

Execution
of a lease
by the
necessary
consenting
parties to
be evidence

that the
requisites
of this act
have been
complied
with.

such lease or grant or general deed, shall be conclusive evidence that the several matters and things by this act required to be done and performed previously to the granting or making of such lease, grant, or general deed have been duly done and performed, and that the property comprised in such lease, grant, or general deed (as the case may be) does not form any part of the property excepted out of the powers of leasing conferred by this act, and that the rent reserved by such lease (except an apportioned lease or grant) is the best rent that could be reasonably obtained for the property or rights comprised in such lease or grant, and that no fine, premium, or foregift, or any thing in the nature thereof, hath been taken for or in respect of the granting or making of such lease or grant, and (in the case of an apportioned lease) that the rent reserved by each such apportioned lease does not exceed one fifth part of the rack-rent value of the land comprised in such lease and of the houses erected or to be erected thereon, when fit for habitation.

Act not to
restrain
existing
powers of
leasing, ex-
cept that
after a lease
under this
act the land
shall not be
leased ex-
cept at rack
rent.

VIII. And be it enacted, that nothing in this act contained shall restrain any corporation hereby empowered to grant leases and make grants as aforesaid from granting any leases, or making any grants, whether by way of renewal or otherwise, which such corporation might have lawfully and rightfully granted or made, either under the provisions of any public or private act of parliament, or under any other authority, or in any other manner whatsoever, in case this act had not been passed, or from taking any fine, premium, or foregift from
the

the lessees in any renewed or new leases named or to be named, or from their under-lessees, or from any other persons having or claiming an interest in any such renewal, for any such renewed or new leases, save and except that in every lease (other than any lease granted under the powers of this act) which shall be granted by any such corporation as aforesaid, of any lands or houses which shall have been leased for building or repairing purposes under any of the powers of this act, there shall be reserved the best improved rent, payable half-yearly or oftener, which can be obtained for the same, without taking any fine, premium, or foregift, or any thing in the nature of a fine, premium, or foregift, for making or granting the same.

IX. Provided always, and be it enacted, that this act shall not authorize the granting of a lease, or the laying out or appropriating, for the purposes in this act mentioned, of the palace or usual house of residence of or belonging to any archbishop or bishop, or any other corporation sole hereby empowered to grant leases as aforesaid, or of or belonging to any corporation aggregate or to any member of any corporation aggregate hereby authorized to grant leases as aforesaid, or of any offices, outbuildings, yards, gardens, orchards, or pleasure grounds to any such palace or other house of residence adjoining or appurtenant, and which may be necessary or convenient for actual occupation with such palace or other house of residence, or the grant or lease of any mines, minerals, quarries, or beds, watercourses, ways, or other easements, the grant whereof may be prejudicial to the convenient enjoyment

House of residence, garden, &c. not to be leased.

enjoyment of any such palace or house of residence, or the pleasure grounds belonging thereto, or the leasing for the purposes aforesaid of any lands which any such corporation sole or aggregate, or any member of any such corporation aggregate, is expressly restrained from leasing by the provisions of any local or private act of parliament now in force.

Improved
value of
episcopal
estates to be
paid to com-
missioners.

3 & 4 Vict.
c. 113.

X. And be it enacted, that upon any improvement in the annual value of any see, by means of any lease granted under this act or otherwise, the annual sum, if any, directed to be charged upon the revenues of such see by any order in council, shall by the authority provided in an act passed in the fourth year of Her Majesty's reign, intituled "An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues," be forthwith directed to be increased to the extent of such improvement, or the annual sum (if any) directed by any like order to be paid to the bishop of such see shall, by the like authority, be forthwith directed to be reduced to the like extent, or to be altogether annulled, if not exceeding such improvement; and if such improvement shall exceed the annual sum so directed to be paid to such bishop, or if no annual sum shall have been directed to be paid by or to such bishop, then a fixed annual sum, equal to the excess in the one case, or to the whole of such improvement in the other case, shall, by the like authority, be forthwith directed to be charged upon the revenues of such see; and the increased or reduced or new payment (as the case may

may be) shall take effect upon the avoidance of the see next after such improvement, and not sooner.

XI. And be it enacted, that the provisions of the said recited act, and of an act passed in the fourth year of Her Majesty's reign, intituled "An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England," under which provisions * the incomes of the deans and canons of the cathedral church of Saint Paul in London, and of the collegiate churches of Westminster and Manchester, are to be so charged as to leave to such deans and canons the average annual incomes respectively specified in the same acts, shall be extended so as to apply to all other deans and canons of cathedral and collegiate churches, (save and except the dean and canons of the cathedral church of Christ in Oxford,) whose annual incomes shall be improved beyond the amounts of such average annual incomes respectively; and that upon any improvement in the annual revenues of any cathedral or collegiate church, after the gazetting of any order in council for charging the incomes of the dean or canons thereof, the amount of the charge created by such order shall, by the authority in the first-recited act provided, be forthwith directed to be increased to the extent of such improvement: provided always, that any improvement in the annual value of the revenues of the deans and canons of the said cathedral church of Christ in Oxford by means of any lease granted under the provisions of

Improved value of chapter property above a certain amount to be paid to commissioners. 4 & 5 Vict. c. 39.

* 3 & 4 Vict. c. 113. s. 66. p. 68. and 4 & 5 Vict. c. 39. s. 20. p. 100.

this act, and not otherwise, shall be subject to the provisions of this act affecting deans and canons of other cathedral or collegiate churches : provided also, that no charge so created, nor any increase of any such charge, shall affect the income of any dean or canon in possession at the time of such improvement.

Improved
value of
archdea-
conries
above a
certain
amount to
be paid to
commis-
sioners.

XII. And be it enacted, that in the case of any archdeaconry the annual value of which shall be improved by means of any lease granted under this act, it shall be lawful, by the authority provided in the said first-recited act, forthwith to direct, that from and after the vacancy of such archdeaconry next following the date of such lease such portion of the rent, royalty, or other consideration reserved by such lease as by the like authority shall be deemed expedient shall be paid, and the same shall accordingly from time to time be paid to the Ecclesiastical Commissioners for England, and become and be subject to the provisions of the same act: provided always, that the average annual income of the archdeacon shall not be thereby left at a less sum than five hundred pounds.

Improved
value of
benefices
above a
certain
amount to
be paid to
commis-
sioners.

XIII. And be it enacted, that, in the case of any benefice the annual value of which shall be improved by means of any lease granted by the incumbent thereof under this act, it shall be lawful, by the authority provided in the first-recited act, at any time within three years from the date of such lease, to direct that from and after the vacancy of such benefice next following such date such portion of the rent, royalty, or other consideration reserved by such lease as by the like authority shall be deemed

expedient shall be paid, and the same shall accordingly from time to time be paid to the said Ecclesiastical Commissioners for England, and shall be by them from time to time applied according to the provisions of the same act in making additional provision for the cure of souls: provided always, that notice shall be given to the patron or patrons of such benefice, of any scheme affecting the same, three calendar months previously to such scheme being laid before Her Majesty in council; and the objections (if any) of such patron or patrons shall be laid before Her Majesty in council together with such scheme: provided also, that the average annual income of such benefices shall not under this provision be left at a less sum than six hundred pounds if the population thereof amount to two thousand, nor at a less sum than five hundred pounds if the population thereof amount to one thousand, nor in any other case at a less sum than three hundred pounds: provided also, that in making any such provision for the cure of souls out of rent, royalty, or other consideration reserved by any lease as aforesaid, the wants and circumstances of the places in which the lands, mines, minerals, quarries, or beds demised by such lease are situate shall be primarily considered.

XIV. Provided always, and be it enacted, that in case of any lease of mines, minerals, quarries, or beds granted under this act, such portion of the improved value accruing thereunder as by the like authority shall be determined, not being more than three fourth parts nor less than one moiety of such improved value, shall forthwith, and from time to time as the same shall accrue, be paid to the said Eccle-

Portion of improved value under mining leases to be paid to Commissioners.

Ecclesiastical Commissioners for England, and shall be subject to the provisions relating to monies payable to them; and the remainder of such improved value shall be deemed to be an improvement within the meaning of the provisions relating to the incomes of archbishops and bishops, deans and canons, archdeacons, and incumbents of benefices respectively.

Powers of
3 & 4 Vict.
c. 113. ex-
tended to
this act.

XV. And be it enacted, that all the powers and authorities vested in Her Majesty in council and in the said Commissioners by the first-recited act with reference to the matters therein contained, and all other the provisions of the same act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and apply to Her Majesty in council and to the said Commissioners, and to all schemes and orders prepared, made, and issued by them respectively with reference to all matters contained in this act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

Leases un-
der the act
may be
made on
the surren-
der of the
existing
leases.

XVI. And be it enacted, that any lease or leases may be granted under the powers of this act, on the surrender of any existing lease or leases (which shall not have been granted under the provisions of this act), of all or any part of the premises proposed to be comprised in such new lease or leases, and may be granted either to the person or persons surrendering the existing lease or leases, or to any other person or persons whomsoever; and each holder of any existing lease or leases granted otherwise than under the provisions of this act, of any lands or
houses,

houses, or of any mines, minerals, quarries, or beds, which, if not in lease, would be capable of being leased under the powers of this act, is hereby authorized to surrender such lease or leases with a view to the granting of a new lease or several new leases thereof, or of any part thereof, under the powers of this act, whether at the time of making such surrender the period at which such existing lease or leases may be legally or accustomably renewable shall or shall not have arrived; and in the case of any lease granted under the powers of this act on the surrender of any existing lease or leases as aforesaid, an adequate deduction shall be made from the rent, royalty, or other consideration to be reserved on the new lease, in proportion to the value of the term or interest which shall be surrendered as aforesaid in the lands or houses, mines, minerals, quarries, or beds, or any part thereof respectively, comprised in such new lease.

XVII. And be it enacted, that whenever a surrender shall be made of any existing lease for the purpose of taking a new lease or new leases by virtue of this act, whether the existing lease shall or shall not have been granted under the provisions of this act, the new lease shall be deemed to be a renewal of the surrendered lease within the scope and meaning of the sixth section of an act passed in the fourth year of the reign of King George the Second, intituled “An Act for the more effectual preventing of Frauds committed by Tenants, and for the more easy Recovery of Rents and Renewal of Leases,” so far as to render unnecessary the surrender of any under-leases previously to the

Not necessary to surrender under-leases before the grant of a lease under this act.

4 G. 2. c. 28.
s. 6.

the grant of such new lease, and to give full effect to such new lease in all respects, notwithstanding any under-lease or under-leases may not be surrendered: provided that in any such case as is herein contemplated, if any subsisting unsurrendered under-lease shall contain any covenant or provision for the renewal or extension of the interest conferred by such under-lease, on payment by the under-lessee of a proportionate part of the fines and fees attending the renewal of the chief lease, the under-lessee shall not compel a renewal of the under-lease under such covenant, except upon the terms of securing to the under-lessor a rent, royalty, or other consideration bearing the same proportion to the whole rent, royalty, or other consideration reserved to the corporation exercising the powers of this act, upon the new lease granted under this act, as the amount which upon any ordinary renewal ought to have been paid by such under-lessee of the fines and fees of or attending such renewal would have borne to the whole amount of the fines and fees attending such renewal.

Surveyor to
make maps,
valuation,
&c. when a
new lease is
intended.

XVIII. And be it enacted, that whenever any lease or apportioned leases, or grant by way of lease, is or are intended to be granted or made, or any land or ground is proposed to be laid out or appropriated, under the authority of this act, a competent surveyor shall be appointed in writing by the Ecclesiastical Commissioners for England, with the consent of the corporation proposing to grant such lease or apportioned leases, or make such grant, or to lay out or appropriate such land or ground (as the case may be): and such surveyor shall make any
such

such report, map, plan, statement, valuation, or certificate, as shall be deemed necessary, and be required by the said Commissioners or by such corporation.

XIX. And be it enacted, that no person being or having been an ecclesiastical corporation sole, nor the private estate or representatives of such person, shall be liable to the successor of such corporation for or on account of any dilapidations which shall occur in or about any houses or buildings belonging to such corporation whilst the same shall be held under any lease for building or repairing purposes granted under the powers of this act.

As to dilapidations.

XX. And be it enacted, that each lease or grant to be granted or made under the provisions of this act shall be made with the consent of the said Ecclesiastical Commissioners for England, and also with such further consent as herein-after mentioned; (that is to say,) each lease or grant granted or made by any incumbent of a benefice, with the consent of the patron thereof; and each lease or grant by any corporation, either aggregate or sole, under the provisions of this act, of any lands or houses, mines, minerals, quarries, or beds, of copyhold or customary tenure, or of any watercourses, ways, or easements in, upon, over, or under any such lands, where the copyhold or customary tenant thereof is not authorized to grant or make leases or grants for the term of years intended to be created by such lease or grant, without the licence of the lord of the manor, shall be made with the consent of the lord for the time being of the manor of which the same lands or houses, mines, minerals, quarries, or beds,

Consents requisite to the validity of leases granted under this act.

shall be holden, in addition to the other consents hereby made requisite to the validity of such lease or grant, and such consent shall amount to a valid licence to lease or grant the same lands or houses, mines, minerals, quarries, or beds, watercourses, ways, or easements, (as the case may be,) for the time for which the same shall be expressed to be demised or granted by such lease or grant.

Consenting parties to be parties to the deeds.

XXI. And be it enacted, that the consent of each person whose consent is hereby required to any deed to be made under the authority of this act shall be testified by such person being made a party to such deed, and duly executing the same.

How consent of patron to be testified where patronage in the Crown;

XXII. And be it enacted, that in any case in which the consent or concurrence of the patron of any benefice is hereby required, and the patronage of such benefice shall be in the Crown, the consent or concurrence of the Crown shall be testified in the manner herein-after mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the King's Books, the instrument by which such consent or concurrence is to be testified shall be executed by the Lord High Treasurer or First Commissioner of the Treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the King's Books, such instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, for the time being; and if such benefice shall be within the patronage of the Crown in right of the duchy of Lancaster, such instrument shall be executed by the chancellor of the said duchy for the time being; and the execution of such instrument

ment by such person or persons shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

XXIII. And be it enacted, that in any case in which the consent or concurrence of the patron of any benefice is hereby required, and the right of patronage of such benefice shall be part of the possessions of the duchy of Cornwall, the consent or concurrence of the patron of such benefice to the exercise of such power shall be testified in the manner herein-after mentioned; (that is to say,) the instrument by which such consent or concurrence is to be testified shall, whenever there shall be a Duke of Cornwall, whether he be of full age or otherwise, be under his great or privy seal, or if there be no Duke of Cornwall, and such benefice shall be in the patronage of the Crown in right of the duchy of Cornwall, such instrument shall be executed by the same person or persons who is or are authorized to testify the consent or concurrence of the Crown; and such instrument, being so sealed or executed, shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

how where
patronage
is attached
to the
duchy of
Cornwall;

XXIV. And be it enacted, that in any case in which the consent or concurrence of the patron of any benefice, or of the lord for the time being of any manor, is hereby required, and the patron of such benefice, or the lord for the time being of such manor, as the case may be, shall be a minor, idiot, lunatic, or feme covert, or beyond seas, it shall be lawful for the guardian, committee, husband, or attorney, as the case may be, of such patron or lord,

how where
patron or
lord of
manor is an
incapaci-
tated per-
son.

but in case of a feme covert not being a minor, idiot, or lunatic, or beyond the seas, with her consent in writing, to execute the instrument by which such consent or concurrence is to be testified, in testimony of the consent or concurrence of such patron or lord; and such execution shall, for the purposes of this act, be deemed and taken to be an execution by the patron of the benefice, or by the lord of the manor, as the case may be.

Persons entitled to present on vacancy shall be considered the patron.

XXV. And be it enacted, that the person or persons, if not more than two, or the majority of the persons if more than two, or the corporation, who or which would for the time being be entitled to the turn or right of presentation to any benefice if the same were then vacant, shall, for the purposes of this act, be considered to be the patron thereof: provided nevertheless, that in the case of the patronage being exercised alternately by different patrons, the person or persons, if not more than two, or the majority of the persons, if more than two, or the corporation, who or which would for the time being be entitled to the second turn or right of presentation to any benefice if the same were then vacant, shall for the purposes of this act, jointly with the person or persons or corporation entitled to the first turn or right of presentation, be considered to be the patron thereof.

Same party may consent in more than one character.

XXVI. And be it enacted, that in all cases in which any person shall sustain more than one or all of the characters in which his execution of or consent to or concurrence in any deed or act is required by this act, such person shall or may at any time act in both or all of the characters which he shall so sustain

sustain as aforesaid, and execute and do all or any of such deeds and acts as are hereby authorized to be executed and done, as effectually as different persons, each sustaining one of those characters, could execute and do the same.

XXVII. And be it enacted, that in all cases in which the consent or concurrence of any corporation aggregate having a common seal shall be requisite to any lease, grant, appointment of a surveyor, or other deed, writing, or instrument to be made in pursuance and for the purposes of this act, the consent or concurrence of such corporation shall be testified by the sealing of the lease, grant, appointment, or other deed, writing, or instrument with the common seal of such corporation.

Corpora-
tions aggre-
gate to act
by their
common
seal.

XXVIII. And be it enacted, that whenever any lands are or shall be vested in any trustee or trustees, in trust or for the benefit of any corporation, aggregate or sole, hereby empowered to grant leases as aforesaid, in such a manner as that the net income, or three fourth parts at the least of the net income, of such lands is or shall be payable for the exclusive benefit of such corporation, all the powers of this act which, in case such lands had been legally vested in such corporation for the sole and exclusive benefit of such corporation, might have been exercised by such corporation in relation to or affecting the same lands, shall or may be exercised by such corporation in the same or the like manner as the same might have been exercised by such corporation in case the same lands were legally vested in such corporation as aforesaid; but in order to give legal effect to any lease, grant, confirmation, or

Act to ex-
tend to
lands held
in trust for
corpora-
tions.

general deed to be executed in relation to any such lands in pursuance of this act, the trustee or trustees of the land intended to be affected thereby shall be made a party or parties to such lease, grant, confirmation, or general deed, (as the case may be,) in addition to the other parties whose concurrence is hereby declared to be requisite to any such deed, and shall join in the demise, grant, confirmation, or appropriation intended to be thereby made; and the trustee or trustees of any such lands is and are hereby directed and required at all times to execute any deed to which he or they may be made a party or parties, with a view to give legal effect to any such lease, grant, general deed, or confirmation as aforesaid, so soon as the same may be tendered to him or them for execution after the same shall have been duly executed by the corporation beneficially entitled to such lands as aforesaid; and the person or corporation, or several persons or corporations, whose consent is hereby declared to be requisite to the validity of any lease granted by any such corporation, and the fact that any such deed is executed by the other parties whose execution shall be necessary to give effect to the same, shall be a sufficient authority for the execution thereof by the trustee or trustees of the same lands, and it shall not at any time afterwards be necessary for such trustee or trustees or for any other person or persons to prove that such deed was executed by such other parties, or any of them, prior to the execution thereof by such trustee or trustees; provided that no trustee shall by virtue of or under this provision be compellable to execute any deed whereby he shall render himself
in

in any way liable, further than by a covenant for quiet enjoyment by any lessee or grantee as against the acts of the trustee executing such deed.

XXIX. And be it enacted, that the part which shall belong to any corporation exercising any of the powers conferred by this act of any lease, grant, or confirmation which shall be granted or made under the authority of this act, and every map, plan, statement, certificate, valuation, and report relating thereto, shall, within six calendar months next after the date of such lease, grant, apportioned lease, confirmation, or general deed, (as the case may be,) be deposited with the said Ecclesiastical Commissioners for England, and shall be for ever thereafter perpetually kept and preserved in the office of the said Commissioners, who shall, upon any such deposit being so made, give unto the corporation by or on behalf of whom such deposit shall have been made a certificate of such deposit; and any instruments or documents which may have been deposited as aforesaid shall be produced at all proper and usual hours, at such office, to the corporation to whose lands or estate the same relate, or to the patron of the benefice, or to any person or persons applying to inspect the same on behalf of any such person or corporation as aforesaid; and an office copy of any such instrument or document, certified under the seal of the said Commissioners, (and which office copy so certified the said Commissioners shall in all cases, upon application in that behalf, give to any corporation or person to whom such liberty of inspection is given as aforesaid,) shall in any action against the lessee, and in all other cases, be admitted and

Counter-
parts of
leases and
certain
other in-
struments
to be de-
posited, and
to be open
to inspec-
tion; and
office copies
to be evi-
dence.

and allowed in all courts whatsoever as legal evidence of the contents of such instrument or document, and of the due execution thereof, by the parties who on the face of such office copy shall appear to have executed the same, and in the case of any lease, grant, or confirmation, of the due execution by the lessee of the counterpart thereof.

Lease to be void if any fine or premium paid.

XXX. And be it enacted, that if, in the case of any lease, grant, or confirmation granted or made under this act, any fine, premium, or foregift, or any thing in the nature thereof, shall directly or indirectly have been paid or given by or on behalf of the lessee or grantee, and taken or received by the lessor or grantor, such lease, grant, or confirmation shall be absolutely void.

Interpretation of act.

XXXI. And be it enacted, that in the construction and for the purposes of this act the several following words shall have the meanings herein-after assigned to them respectively, unless there shall be something in the subject or context repugnant to such construction; (that is to say,)

“ Person.” The word “ person ” shall be construed to include the Queen’s Majesty, and any corporation, aggregate or sole, as well as a private individual :

“ Lands.” The word “ lands ” shall be construed to include lands of any tenure, whether the same shall or shall not have any houses or other erections or buildings thereon :

“ Houses.” The word “ houses ” shall be construed to include all erections and buildings whatsoever, whether for residence or for commercial or any other purposes :

“ Benefice.” The word “ benefice ” shall be construed to comprehend

prehend every rectory, with or without cure of souls, vicarage, perpetual curacy, donative, endowed public chapel, parochial chapelry, and district chapelry, the incumbent or holder of which in right thereof shall be a corporation sole :

And every word importing the singular number shall extend and be applied to several persons or parties as well as one person or party, and several things as well as one thing; and every word importing the plural number shall extend and be applied to one person or party or thing as well as several persons or parties or things :

And every word importing the masculine gender shall extend and be applied to a female as well as a male.

XXXII. And be it enacted, that this act shall extend only to that part of the United Kingdom called England and Wales, and to the Isle of Man, and to the islands of Guernsey, Jersey, Alderney, and Sark.

Act to extend only to England and Wales, Isle of Man, &c.

XXXIII. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be amended, &c. this session.

ANNO QUINTO & SEXTO
VICTORIÆ REGINÆ.

C A P. CXII.

* Part of *An Act for suspending, until the First Day of October One thousand eight hundred and forty-three, Appointments to certain Ecclesiastical Preferments in the Dioceses of Saint Asaph and Bangor; and for securing certain Property to the said Sees.*

[12th August 1842.]

II. And be it enacted, that all lands, tithes, tenements, and other hereditaments and endowments whatsoever, held, possessed, or received by the Right Reverend William Carey Bishop of Saint Asaph, and the Right Reverend Christopher Bethell Bishop of Bangor, respectively, as such bishops, not being so held, possessed, or received in respect of any benefice with cure of souls, shall be and be deemed to be to all intents and purposes part and parcel of the lands, tithes, tenements, and other hereditaments and endowments of the respective sees of Saint Asaph and Bangor, or of the united see of Saint Asaph and Bangor, as the case may be, and shall continue to be held, possessed, and received by the bishops of the same sees for the time being; subject

Certain
tithes, &c.
annexed to
the sees.

* For other part, see Appendix, p. 235.

nevertheless

6 & 7 W. 4.
c. 77.

nevertheless to any order in council issued under the provisions of an act passed in the seventh year of the reign of His late Majesty, intituled “ An Act for
“ carrying into effect the Reports of the Commis-
“ sioners appointed to consider the State of the
“ Established Church in England and Wales, with
“ reference to Ecclesiastical Duties and Revenues,
“ so far as they relate to Episcopal Dioceses, Reve-
“ nues, and Patronage,” or of any other act of parliament.

ANNO SEXTO & SEPTIMO
VICTORIÆ REGINÆ.

C A P. XXXVII.

*An Act to make better Provision for the Spiritual Care
of populous Parishes. [28th July 1843.]*

WHEREAS it is expedient to make better provision for the spiritual care of populous parishes, and to render the estates and revenues vested in “The Ecclesiastical Commissioners for England,” and the funds at the disposal of “The Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy,” applicable immediately to such purpose: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said Ecclesiastical Commissioners for England may, upon the conditions herein-after mentioned, forthwith borrow, and the said governors of the bounty of Queen Anne, together with the Most Reverend William Howley Lord Archbishop of Canterbury, may, upon the security herein-after mentioned,

Queen
Anne’s
Bounty
Board may
lend Eccle-
siastical
Commis-
sioners for
England a
sum of
stock.

tioned, forthwith lend and transfer to the said Commissioners, the capital sum of six hundred thousand pounds three pounds per centum reduced bank annuities, part of a certain sum of such stock now standing in the names of the said governors and of the said archbishop in the books of the governor and company of the Bank of England.

Bounty Board may lend further sums of stock.

II. And be it enacted, that at any time and from time to time the said Commissioners may borrow, and the said governors and the Archbishop of Canterbury for the time being may, if they shall think fit, lend and transfer to the said Commissioners, in like manner, and upon the like security and conditions, any further capital sum or sums of stock, being part of the stock so standing as aforesaid.

Commissioners to pay dividends half-yearly.

III. And be it enacted, that the said Commissioners shall, upon the transfer of any such stock as aforesaid into their names in the books of the said governor and company, accept the same in such books, and shall pay or cause to be paid to the said governors, by half-yearly payments on the tenth day of April and the fourteenth day of October in every year, a sum equal in amount to the amount of the dividends which such stock, or so much thereof as shall on such days respectively remain unreplaced, would produce; and that it shall be lawful for the said Commissioners at any time to replace the whole or any part of any such sum of stock.

The whole property of the Commissioners under the Cathedral Acts to be security

IV. And be it enacted, that all the monies from time to time accruing to the said Commissioners by reason of the suspension of canonries by or under the provisions of an act passed in the session of Parliament held in the third and fourth years of the reign of

of Her present Majesty, intituled “ An Act to carry
 “ into effect, with certain modifications, the fourth
 “ report of the Commissioners of Ecclesiastical Duties
 “ and Revenues,” and of an act passed in the ses-
 sion of Parliament held in the fourth and fifth years
 of the reign of Her present Majesty, intituled “ An
 “ Act to explain and amend two several acts re-
 “ lating to the Ecclesiastical Commissioners for
 “ England,” and all the lands, tithes, rent-charges,
 tenements, and other hereditaments vested or to be
 vested in them under the provisions of the same acts
 or of this act, and the rents and profits thereof, shall
 be and the same are hereby charged and made
 chargeable with all such half-yearly payments as
 aforesaid, and also with the repayment and replacing
 of the whole capital stock so to be lent and trans-
 ferred to them, if any such half-yearly payment, or
 any part thereof, shall remain unpaid for twenty
 days next after either of the days upon which the
 same shall have become due and payable as afore-
 said; and that upon any such default as last-men-
 tioned the said governors shall, by virtue of this act,
 and upon proof of such default, have the same and
 the like remedies at law against the said Ecclesias-
 tical Commissioners for England, and upon and over
 all the monies, lands, tithes, rent-charges, tenements,
 and other hereditaments in their possession or power
 under the provisions of the said recited acts, for the
 recovery of such capital stock, or so much thereof
 as shall then remain unreplaced, together with all
 arrears of half-yearly payments due thereon as afore-
 said, as if the said Commissioners had duly executed
 a deed under their common seal, covenanting for

for every
 such loan.
 3 & 4 Vict.
 c. 113.
 4 & 5 Vict.
 c. 39.

repayment to the said governors of such stock, and for making such half-yearly payment on the day when such default shall have become complete as aforesaid; and that such transfer and acceptance as aforesaid shall be sufficient evidence of such covenant.

Bounty Board may require repayment of capital after thirty years.

V. Provided also, and be it enacted, that it shall be lawful for the said governors, if they shall see fit, at or after the expiration of thirty years from the date of the lending and transferring of the said sum, and at or after the expiration of a like number of years from and after the lending and transferring of any further sum of such stock as aforesaid, to give notice to the said Commissioners, in writing under their corporate seal, requiring them to replace, in the names of the said governors and of the Lord Archbishop of Canterbury for the time being, the whole of such sums of stock respectively, or such part thereof respectively as shall at the date of such notice remain unreplaced, and the said Commissioners shall proceed to replace the same accordingly, by yearly instalments, amounting at the least to one twelfth part of such sums of stock respectively, or of such remaining part thereof as aforesaid, and upon default of their duly replacing any such instalment the said governors shall have the like remedies for recovering the same as for any default in making any such half-yearly payment as aforesaid.

Commissioners to have full rights of ownership over the lands, &c. vested in

VI. And be it enacted, that, notwithstanding the charge by this Act created, all the same and the like rights and powers of ownership, as are possessed and enjoyed respecting and over any lands, tithes, rent-charges, tenements, or other hereditaments whatsoever,

soever, by any absolute owner thereof, shall be enjoyed by the said Commissioners with respect to and over all or any lands, tithes, rent-charges, tenements, and other hereditaments vested and liable to be vested in them by or under the provisions of the said recited Acts, and may, subject to the provisions of the same Acts and of this Act, be exercised by them, by proper instruments in writing duly executed according to law, but in the case of any such lands, tithes, rent-charges, and other hereditaments not actually in their possession, with the consent of the respective owners thereof, testified by their being made parties to such instruments; and that the consent of the said governors shall not be in any case required to the exercise by the said Commissioners of any such rights and powers as aforesaid, notwithstanding such charge: provided always, that every sum of money received as the consideration or purchase money for the sale, transfer, or conveyance by the said Commissioners of any of such lands, tithes, tenements, or other hereditaments, or of any estate or interest therein, and also every sum of money received by them as the foregift or fine for the granting or renewing of any lease, shall, unless it be deemed expedient by the said Commissioners to apply any such sum or any part thereof in replacing any stock so lent and transferred as aforesaid, which they are hereby empowered to do, be applied by them, so soon as conveniently may be after the receipt thereof, in the purchase of lands, tithes, rent-charges, tenements, or other hereditaments, or of some estate or interest therein, and shall in the meantime be invested in some government or par-

liamentary

them, subject to certain conditions.

liamentary stock or other public securities in England, the said Commissioners being at liberty to apply the interest and dividends of such stock or securities, and the rents and profits of such lands, rent-charges, tithes, tenements, and other hereditaments, to the purposes of the said recited Acts or of this Act.

Commis-
sioners to
have full
power over
stock.

VII. And be it enacted, that the said Commissioners shall, for the purposes and subject to the provisions of the said recited Acts and of this Act, have full power and right of property over all the stock so lent and transferred to them by the said governors as aforesaid.

Stock not
to be used,
nor lands
sold, with-
out appro-
val of Her
Majesty in
council.

VIII. Provided always, and be it enacted, that no part of the capital of such stock shall be applied to such purposes as aforesaid, nor shall any such lands, tithes, tenements, or other hereditaments as aforesaid be sold, transferred, or conveyed, except by the authority in the said recited Acts provided; (that is to say,) by a scheme prepared by the said Commissioners, and an order issued by Her Majesty in council ratifying such scheme.

Districts
may be
constituted
for spiritual
purposes;

IX. And whereas there are divers parishes, chapelries, and districts of great extent, and containing a large population, wherein or in parts whereof the provision for public worship and for pastoral superintendence is insufficient for the spiritual wants of the inhabitants thereof; be it therefore enacted, that if at any time it shall be made to appear to the said Ecclesiastical Commissioners for England that it would promote the interests of religion that any part or parts of any such parish or parishes, chapelry or chapelries, district or districts, or any
extra-

extra-parochial place or places, or any part or parts thereof, should be constituted a separate district for spiritual purposes, it shall be lawful, by the authority aforesaid, with the consent of the bishop of the diocese under his hand and seal, to set out by metes and bounds, and constitute a separate district accordingly, such district not then containing within its limits any consecrated church or chapel in use for the purposes of divine worship, and to fix and declare the name of such district: provided always, that the draft of any scheme for constituting any such district, proposed to be laid before Her Majesty in council by the said Commissioners, shall be delivered or transmitted to the incumbent and to the patron or patrons of the church or chapel of any parish, chapelry, or district out of which it is recommended that any such district or any part thereof should be taken, in order that such incumbent, patron or patrons, may have an opportunity of offering or making, to the said Commissioners or to such bishop, any observations or objections upon or to the constituting of such district; and that such scheme shall not be laid before Her Majesty in council until after the expiration of one calendar month next after such copy shall have been so delivered or transmitted, unless such incumbent and patron or patrons shall in the meantime consent to the same: provided also, that in every scheme for constituting any such district, the said Commissioners shall recommend to Her Majesty in council, that the minister of such district, when duly licensed as herein-after mentioned, shall be permanently endowed, under the provisions herein-after contained,

and are to be endowed to a certain Amount at the least.

to an amount of not less than the annual value of one hundred pounds; and also, if such endowment be of less than the annual value of one hundred and fifty pounds, that the same shall be increased under the like provisions to such last-mentioned amount, at the least, so soon as such district shall have become a new parish as herein-after provided.

Map of district to be annexed to scheme, and registered.

X. And be it enacted, that a map or plan, setting forth and describing such metes and bounds, shall be annexed to the scheme for constituting such district, and transmitted therewith to Her Majesty in council, and a copy thereof shall be registered by the registrar of the diocese, together with any order issued by Her Majesty in council for ratifying such scheme: provided always, that it shall not be necessary to publish any such map or plan in the London Gazette.

Minister to be nominated and licensed to district.

XI. And be it enacted, that upon any such district being so constituted, a minister may and shall be nominated thereto in manner herein-after provided, and may thereupon be licensed thereto by the bishop, and shall have power to perform and shall perform within such district all such pastoral duties appertaining to the office of a minister according to the rites and usages of the United Church of England and Ireland as shall be specified and set forth in his licence, and, when a building shall be licensed within such district for divine worship in manner herein-after provided, shall also perform such services and offices as shall be specified and set forth in the same or any further licence granted in that behalf by the bishop of the diocese; and such minister shall perform such pastoral duties, services, and offices respectively, independently of the incumbent or minister of

of the church of any parish, chapelry, or district out of which such new district or any part thereof shall have been taken, and shall, so far as the performance of the same may be authorized by such licence or licences, have the cure of souls in and over such new district: provided always, that no burials shall be performed in such licensed building, and that nothing in this Act contained shall empower such bishop to include in any such licence the solemnization of marriages.

XII. And be it enacted, that such minister shall be styled “The minister of the district of _____,” according to the name thereof so fixed as aforesaid, and shall be in all respects subject to the jurisdiction of the bishop and archdeacon within whose diocese and archdeaconry such district shall be situate, and shall only be removeable from his office of such minister for the like reasons and in the same manner as any perpetual curate is now by law removeable; and such minister shall be a body politic and corporate, and shall have perpetual succession, as well by the name and in the character aforesaid, as by the name and in the character of perpetual curate herein-after mentioned and provided, as the case may be; and such minister and perpetual curate respectively may, in such name and character respectively, notwithstanding the statutes of mortmain, receive and take, to him and his successors, as well every grant of endowment or augmentation made or granted by the authority aforesaid, as also any real or personal estate or effects whatsoever which any person or persons or body corporate may give or grant to him according to law.

Style and
character
of minister;

and power
to hold en-
dowments.

Bishop
may license
a tempo-
rary place
of worship.

XIII. And be it declared and enacted, that it shall be lawful for the bishop of the diocese, at an time after the constituting of any such district aforesaid, to license any building, within such district which he may consider to be fit and proper for such purpose, for the performance of divine service by such minister according to the rites and usages of such United Church; and such minister may for any churchings performed under any such licence receive such fees as shall be fixed and determined in manner herein-after provided; and all laws now in force relating to the registration of baptisms shall apply to all baptisms performed under any such licence.

Not to pre-
vent mar-
riages and
burials in
mother
church,
nor affect
certain
other
rights.

XIV. Provided always, and be it enacted, that, until a church or chapel shall have been built or acquired within such district, and shall have been approved and consecrated as herein-after provided, nothing herein contained shall prejudice or affect the right of any incumbent of any other church or chapel, who before the constituting of such district possessed the entire cure of souls within the same or any part thereof, to publish any banns, solemnize any marriages, or perform any burials in his own church or chapel which he could have published, solemnized, or performed therein, or to receive any fees, dues, or emoluments (except the fees herein-before authorized to be received by the minister of such district) which as such incumbent he could have received if such district had not been constituted, nor any right to attend divine service in any other church or chapel which any inhabitant of such district possessed before such district was constituted.

XV. And

KEY RESERVED

Name J. HENRY DEPNALUS

Please PRINT last name only

JULY 9, 1893,

Date Reserved

181664207

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Form 321

... such chancellor is hereby empowered and required to fix accordingly; and the like Easter offerings and dues may be received within the limits of such new parish by the perpetual curate thereof as are and were, at and before the time of the passing of this Act, payable to the incumbent of the church of

... enacted, that when any church purchased, or acquired in any foresaid, and shall have been commissioners, by an instrument under their common seal, and confirm or chapel of such district, the minister and inhabitants all, from and after the confirmation or chapel, be and be deemed ecclesiastical purposes, and by the name of "The ..." instead of "The district ..."; to the name so as aforesaid and such church or chapel church of such new parish licence granted by the bishop, for divine worship as aforesaid, void; and it shall be lawful matrimony in such church, and and canons in force in this wherein marriages, baptisms, and to require and receive confirmation of such offices or as fixed by the chancellor of such new parish shall be situate, and the fees for churchings to be by the minister of such dis-

District to become a new parish upon a church being consecrated.

Bishop
may license
a tempo-
rary place
of worship.

XIII. And be it declared and enacted, that it shall be lawful for the bishop of the diocese, at any time after the constituting of any such district as aforesaid, to license any building, within such district, which he may consider to be fit and proper for such purpose, for the performance of divine service by such minister according to the rites and usages of such United Church; and such minister may for any churchings performed under any such licence receive such fees as shall be fixed and determined in manner herein-after provided; and all laws now in force relating to the registration of baptisms shall apply to all baptisms performed under any such licence.

Not to pre-
vent mar-
riages and
burials in
mother
church,
nor affect
certain
other
rights.

XIV. Provided always, and be it enacted, that, until a church or chapel shall have been built or acquired within such district, and shall have been approved and consecrated as herein-after provided, nothing herein contained shall prejudice or affect the right of any incumbent of any other church or chapel, who before the constituting of such district possessed the entire cure of souls within the same or any part thereof, to publish any banns, solemnize any marriages, or perform any burials in his own church or chapel which he could have published, solemnized, or performed therein, or to receive any fees, dues, or emoluments (except the fees herein-before authorized to be received by the minister of such district) which as such incumbent he could have received if such district had not been constituted, nor any right to attend divine service in any other church or chapel which any inhabitant of such district possessed before such district was constituted.

XV. And

XV. And be it enacted, that when any church or chapel shall be built, purchased, or acquired in any district constituted as aforesaid, and shall have been approved by the said Commissioners, by an instrument in writing under their common seal, and consecrated as the church or chapel of such district, for the use and service of the minister and inhabitants thereof, such district shall, from and after the consecration of such church or chapel, be and be deemed to be a new parish for ecclesiastical purposes, and shall be known as such by the name of "The new parish of _____," instead of "The district of _____," according to the name so as aforesaid fixed for such district; and such church or chapel shall become and be the church of such new parish accordingly; and any licence granted by the bishop, licensing any building for divine worship as aforesaid, shall thereupon become void; and it shall be lawful to publish banns of matrimony in such church, and according to the laws and canons in force in this realm to solemnize therein marriages, baptisms, churchings, and burials, and to require and receive such fees upon the solemnization of such offices or any of them as shall be fixed by the chancellor of the diocese in which such new parish shall be situate, and which fees, and also the fees for churchings to be received as aforesaid by the minister of such district, such chancellor is hereby empowered and required to fix accordingly; and the like Easter offerings and dues may be received within the limits of such new parish by the perpetual curate thereof as are and were, at and before the time of the passing of this Act, payable to the incumbent of the church of

District to become a new parish upon a church being consecrated.

of the principal parish of which such new parish originally formed a part; and the several laws, statutes, and customs in force relating to the publication of banns of matrimony, and to the performance of marriages, baptisms, churchings, and burials, and the registering thereof respectively, and to the suing for and recovering of fees, oblations, or offerings in respect thereof, shall apply to the church of such new parish, and to the perpetual curate thereof for the time being: provided always, that it shall not be lawful for any such minister or perpetual curate to receive any fee for the performance of any baptism within his district or new parish as the case may be, or for the registration thereof.

Minister to become perpetual curate of new parish.

XVI. And be it enacted, that upon any such district so becoming a new parish, the minister of such district, having been duly licensed, shall, without any further process or form in law, become and be perpetual curate of such new parish and of the church thereof, and shall have exclusive cure of souls in and over such parish; and shall be a body politic and corporate, and have perpetual succession; and that such parish and church shall be and be deemed to be a perpetual curacy, and a benefice with cure of souls, to all intents and purposes.

Church-wardens to be chosen.

XVII. And be it enacted, that in every such case of a district so becoming a new parish two fit and proper persons, being members of the United Church of England and Ireland, shall, within twenty-one days from the consecration of the church thereof, be chosen churchwardens for such new parish, one being chosen by the perpetual curate thereof, and the other by the inhabitants residing therein and
having

having a similar qualification to that which would entitle inhabitants to vote at the election of churchwardens for the principal parish as aforesaid, or the majority of such inhabitants, and such election shall take place at a meeting to be summoned in such manner in all respects as such perpetual curate shall direct; and such persons shall continue such churchwardens until the next usual period of appointing parish officers following their appointment; and at the like time in every year two such persons shall thenceforward be chosen by the perpetual curate for the time being and inhabitants assembled as aforesaid; and every person so chosen as aforesaid shall be duly admitted, and shall do all things pertaining to the office of churchwarden as to ecclesiastical matters in the said new parish: provided always, that nothing herein contained shall render any such churchwardens liable or competent to perform the duties of overseer of the poor in respect of such their office of churchwardens.

XVIII. Provided always, and be it enacted, that, until Parliament shall otherwise determine, nothing herein contained shall be construed to affect or alter any rights, privileges, or liabilities whatsoever, ecclesiastical or civil, of any parish, chapelry, or district, except as is herein expressly provided.

Act not to affect parochial rights, &c. otherwise than as expressly provided.

XIX. And be it enacted, that the said recited Acts, so far as they apply to making better provision for the cure of souls, shall extend to authorize the endowment or augmentation of the income of such ministers and perpetual curates as aforesaid, to such an amount or in such proportion, and in such manner, as shall be deemed expedient, by the authority aforesaid;

Endowment of minister.

Compensation to incumbent of mother church.

aforesaid; and also to authorize the assigning, at any time and from time to time, to the incumbent of any church or chapel, whose fees, dues, or other emoluments shall be diminished by or in consequence of any proceeding under the provisions of this act, and, if it be deemed fit by the like authority, to his successors also, of such an annual sum as shall, upon due inquiry, appear to be a just and reasonable compensation for such diminution.

Patronage may be conferred upon contributors to endowment or to a church, or their nominees.

XX. And be it enacted, any law, statute, or canon to the contrary notwithstanding, that it shall be lawful, by the authority aforesaid, at any time, to assign the right of patronage of any such district or new parish as aforesaid, and the nomination of the minister or perpetual curate thereof respectively, either in perpetuity or for one or more nomination or nominations, to any ecclesiastical corporation aggregate or sole, or to either of the Universities of Oxford, Cambridge, or Durham, or to any college therein respectively, or to any person or persons, or the nominee or nominees of such person or persons or body respectively, upon condition of such corporation, university, college, person or persons contributing to the permanent endowment of such minister or perpetual curate, or towards providing a church or chapel for the use of the inhabitants of such district or new parish, in such proportion and in such manner as shall be approved by the like authority.

Remaining patronage to be exercised alternately by Crown and bishops.

XXI. And be it enacted, that the right of patronage and nomination of every such minister and perpetual curate, unless or until such right of patronage and nomination shall be otherwise wholly assigned, or except so far as the same shall be other-

wise

wise in part assigned, under the provisions in that behalf herein-before last contained, shall and may be exercised, alternately, by Her Majesty and Her successors, and the bishop of the diocese for the time being in which the district or new parish shall be situate; the first such nomination being in each case made by Her Majesty.

XXII. And for the encouragement of such persons as shall be disposed to contribute towards the purposes of this Act, and that their charity may be rightly applied, be it enacted, that all and every person or persons, or body corporate, having in his or their own right any estate or interest in possession, reversion, or contingency of or in any lands, tithes, tenements, or other hereditaments, or any property of or in any goods or chattels, shall have full power, licence, and authority, at his and their will and pleasure, by deed inrolled in such manner and within such time as is directed by the statute made in the twenty-seventh year of the reign of King Henry the Eighth, intituled “ *An Act concerning Enrolments of Bargains and Contracts of “ Lands and Tenements,” in the case of any lands, tithes, tenements, or other hereditaments, (but without any deed in the case of any goods or chattels,) or by his or their testament in writing, duly executed according to law, to give and grant to and vest in the said Ecclesiastical Commissioners for England and their successors all such his or their estate, interest, or property in such lands, tithes, tenements, or other hereditaments, goods, and chattels, or any

Powers of
Bounty
Board as
to endow-
ment under
2 & 3 Ann.
c. 11. and
45 G. 3.
c. 84. con-
ferred upon
Commis-
sioners for
the pur-
poses of
this act.

27 Hen. 8.
c. 16.

part or parts thereof, for and towards the endowment or augmentation of the income of such ministers or perpetual curates as aforesaid, or for or towards providing any church or chapel for the purposes and subject to the provisions of this Act, and to be for such purposes respectively applied, according to the will of such benefactors respectively, as in and by such deed inrolled, or such testament, executed as aforesaid, may be expressed, or, in the case of no deed or testament, as may in some other manner be directed, and in default of such expression or direction then in such manner as shall be directed by the authority herein-before mentioned; and such Commissioners and their successors shall have full capacity and ability to purchase, receive, take, hold, and enjoy, for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same, as from all other persons who shall be willing to sell or aliene to the said Commissioners any lands, tithes, tenements, or other hereditaments, goods, or chattels, without any licence or writ of ad quod damnum, the statute of mortmain, or any other statute or law, to the contrary notwithstanding.

Powers of
3 & 4 Vict.
c. 113. and
4 & 5 Vict.
c. 39. ex-
tended to
this act.

XXIII. And be it enacted, that all the powers and authorities vested in Her Majesty in council and in the said Commissioners by the said recited Acts, with reference to the matters therein contained, and all other the provisions of the same acts relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and shall apply to Her Majesty in council and to the said Commissioners, and to all schemes and orders prepared, made, and issued by them respectively,
with

with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein; and the provisions contained in an act passed in the second year of Her Majesty's reign, intituled " * An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy," respecting the party or parties to be deemed patron or patrons, for the purposes of notice to be served upon and consent to be given by such patron or patrons, and also respecting the manner in which and the party by whom any such consent is to be given, shall be construed to apply to the like matters respectively under this act.

1 & 2 Vict.
c. 106.

XXIV. And whereas it may be expedient that Her Majesty's Commissioners for building new churches should be able to apply a portion of the funds placed at their disposal towards promoting the purposes of this act; be it enacted, that it shall be lawful for the said Commissioners to make any such grant in aid of the erection of any such new church or chapel as aforesaid as shall seem fit to them, if they are authorized so to do under the church building acts, although the right of patronage of such church or chapel may not belong on the consecration thereof to the incumbent of the original parish in which such church or chapel shall be situate, any thing in such acts to the contrary notwithstanding.

Church
Building
Commis-
sioners may
make
grants for
purposes of
this act.

XXV. And whereas an act was passed in the seventeenth year of the reign of King Charles the Second, intituled " † An Act for uniting Churches

So much of
17 Car. 2.
c. 3. as
enables
impropria-

* Appendix, p. 249.

† Appendix, p. 249.

tors to augment (repealed by 1 & 2 Vict. c. 106. s. 15.) revived.

“ in Cities and Towns Corporate,” which, besides the provisions indicated by the title of the said act, contains enactments enabling impropiators to augment parsonages or vicarages in certain cases, and incumbents in certain cases to receive lands, tithes, and other hereditaments, without licence in mortmain : And whereas by an act passed in the second year of the reign of Her present Majesty, intituled “ *An Act to abridge the holding of Benefices in “ Plurality, and to make better Provision for the “ Residence of the Clergy,” the whole of the said act of King Charles the Second was repealed, and more extensive provisions were made for the uniting of churches, but none for augmentations or holding in mortmain according to the same act ; and it is expedient that the last-mentioned enactments should be revived ; be it therefore enacted, that so much of the said act of King Charles the Second as enables any owner or proprietor of any impropriation, tithes or portion of tithes, to annex the same or any part thereof unto the parsonage, vicarage, or curacy of the parish church or chapel where the same lie or arise, or to settle the same in trust for the benefit of such parsonage, vicarage, or curacy, and authorizes parsons, vicars, or incumbents to receive lands, tithes, or other hereditaments without licence of mortmain, shall be and the same is hereby revived ; and that all augmentations and grants at any time heretofore made according to the said act of King Charles the Second shall be as good and effectual as if the same had never been repealed.

XXVI. And be it enacted, that this act shall extend only to England and Wales, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and the Scilly Islands.

Act not to extend to Scotland or Ireland.

XXVII. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of Parliament.

Act may be amended this session.

ANNO SEXTO & SEPTIMO
VICTORIÆ REGINÆ.

C A P. LX.

An Act for suspending, until the First Day of October One thousand eight hundred and forty-four, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions.
[17th August 1843.]

WHEREAS an act was passed in the seventh year of the reign of His late Majesty, intituled
“ An Act for carrying into effect the Reports of the 6 & 7 W. 4.
“ Commissioners appointed to consider the State of c. 77.
“ the Established Church in England and Wales with
“ reference to Ecclesiastical Duties and Revenues,
“ so far as they relate to Episcopal Dioceses, Re-
“ venues, and Patronage,” and the said act contains certain temporary provisions relating to the state and jurisdiction of all the ecclesiastical courts in England and Wales: And whereas the said temporary provisions, having been from time to time continued by certain other acts of Parliament, were further continued, together with a further provision respecting the visitations of bishops and archdeacons,

4 & 5 Vict.
c. 39.

Temporary
provisions
relating to
ecclesias-
tical courts
and provi-
sion relat-
ing to
visitations
continued.

Act may be
amended
this session.

contained in an act passed in the fifth year of Her Majesty's reign, intituled "An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England," and now stand continued until the first day of October next: And whereas it is expedient that the said temporary provisions, and such further provision as aforesaid, should be further continued for a limited time: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said temporary provisions, and the said further provision relating to the visitations of bishops and archdeacons, shall continue and be in force until the first day of October in the year one thousand eight hundred and forty-four.

II. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of Parliament.

ANNO SEXTO & SEPTIMO
VICTORIÆ REGINÆ.

C A P. LXXII.

Part of *An Act to impose certain Stamp Duties, and to amend the Laws relating thereto.* [22d August 1843.]

WHEREAS by an act passed in the last session of Parliament, intituled “An Act to repeal
“ the Duties payable on Stage Carriages and on
“ Passengers conveyed upon Railways, and certain
“ other Stamp Duties in Great Britain, and to
“ grant other Duties in lieu thereof; and also to
“ amend the Laws relating to the Stamp Duties,”
certain stamp duties were granted upon donations or presentations by Her Majesty, or Her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in England, and upon collations by any archbishop or bishop to any such ecclesiastical benefice, dignity, or promotion: And whereas it is expedient that the said duties should be paid upon all donations, presentations, and collations of or to ecclesiastical benefices, dignities, or promotions in England, by whomsoever made or granted: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this
act

5 & 6 Vict.
c. 79.

The duties
on dona-
tions and

presen-
tations by
Her Ma-
jesty to
extend to
all dona-
tions and
presen-
tations by
whomso-
ever made.

act the several and respective duties by the said recited act granted and imposed upon any donation or presentation by Her Majesty, or Her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in England shall be and the same are hereby respectively charged and made payable upon or for and in respect of every donation or presentation, by whomsoever made or granted, of or to any such ecclesiastical benefice, dignity, or promotion; and that the several duties by the said act granted and imposed upon any collation by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion in England shall be and the same are hereby charged and made payable upon or for and in respect of every collation to any such ecclesiastical benefice, dignity, or promotion, whether the same shall be made by any archbishop or bishop, or by any other ordinary or competent authority.

The certi-
ficate of the
value of
the bene-
fice to be
written
upon the
donation,
&c.

II. And be it enacted, that the certificate of the Ecclesiastical Commissioners for England for ascertaining the value of any benefice, dignity, or promotion, as required by the said act, shall in every case be written upon the instrument of donation, presentation, or collation respectively charged with duty by the said act or this act; and where institution shall proceed upon the petition of the patron to be himself admitted and instituted, such certificate shall be written upon the instrument of institution charged with duty by the said act, and no such instrument as aforesaid shall be used or be available unless nor until such certificate shall be so written thereon; and such instrument shall be stamped to denote the proper duty chargeable in respect thereof.

ANNO SEXTO & SEPTIMO
VICTORIÆ REGINÆ.

C A P. LXXVII.

An Act for regulating the Cathedral Churches of Wales.
[22d August 1843.]

WHEREAS an act was passed in the fourth year of Her Majesty's reign, intituled "An 3 & 4 Vict.
" Act to carry into effect, with certain Modifica- c. 113.
" tions, the Fourth Report of the Commissioners of
" Ecclesiastical Duties and Revenues;" and another
act was passed in the fifth year of Her Majesty's
reign, intituled "An Act to explain and amend Two 4 & 5 Vict.
" several Acts relating to the Ecclesiastical Com- c. 39.
" missioners for England:" And whereas it is expe-
dient to extend the provisions of the said recited
acts to the dioceses and cathedral churches of Saint
Asaph and Bangor, and to alter and amend some
of the said provisions: Be it enacted by the Queen's
most Excellent Majesty, by and with the advice and
consent of the lords spiritual and temporal, and
commons, in this present Parliament assembled, and
by the authority of the same, that from and after
the passing of this act all the provisions of the said
recited

Recited
acts ex-
tended to
St. A

and Bangor.

recited acts shall, subject to the further enactments herein-after contained, extend and apply to the said dioceses and cathedral churches of Saint Asaph and Bangor, and to the bishops of the same dioceses, and to all ecclesiastical rectories without cure of souls, and all benefices with cure of souls, and all parishes and places therein, and to the dignities, offices, canonries, and prebends of the same churches, and the respective holders thereof.

Four canons residentiary at St. Asaph, Bangor, St. David's, and Llandaff.

II. And be it enacted, notwithstanding any thing in the said recited acts contained, that in each of the chapters of the cathedral churches of Saint Asaph, Bangor, Saint David's, and Llandaff there shall be four canonries residentiary, and no more; and such canonries shall be in the direct patronage of the bishops of Saint Asaph, Bangor, Saint David's, and Llandaff respectively.

Two canonries residentiary to be annexed to two arch-deaconries.

III. Provided always, and be it enacted, that, so soon as conveniently may be after the passing of this act, arrangements shall be made, by the authority in the said recited acts provided, for permanently annexing two of such four canonries residentiary, in such cathedral churches respectively, to two arch-deaconries, in the respective dioceses in which such churches are situate.

Rights and powers of dean and canons.

IV. And be it declared and enacted, that the dean of each of the said four cathedral churches shall be the head of the chapter thereof, and shall have precedence over all other members of such chapter; and that such dean and the canons residentiary respectively of each such church shall possess and may exercise all the like rights, power, and authority as are and may be possessed and exercised by the dean

and canons respectively of any cathedral church in England founded by King Henry the Eighth.

V. And be it enacted, that so much of the said recited acts as relates to the cure of souls in the parish of Saint David in the diocese of Saint David's, and in the parishes of Llandaff and Whitchurch in the diocese of Llandaff, shall be repealed; and that it shall be lawful, if it be deemed expedient, by the authority herein-before mentioned, with the consent of the bishop of Llandaff for the time being, to declare and provide that the cure of souls in and over the respective parishes of Llandaff and Whitchurch, or either of them, shall be vested in one spiritual person as perpetual incumbent thereof, and that such bishop and his successors shall from time to time collate, or nominate and license, as the case may be, a spiritual person to be such incumbent, and also, with the like consent and with the consent of the dean and chapter, to endow such parishes, or either of them, in such manner and to such amount as may appear expedient; and upon any such declaration being made in the case of the parish of Llandaff, the respective rights and duties to be exercised and performed within and over the cathedral church by the dean and chapter, dean, canons, and minor canons thereof, and by such incumbent as aforesaid, respectively, shall be defined by the like authority, with the like consents.

3 & 4 Vict.
c. 113.
§§ 38. 40.
in part
repealed,
and provi-
sion made
for the
cathedral
parishes.

VI. And be it declared and enacted, that the average annual incomes of the deans and canons residentiary of the said four cathedral churches shall be of the same amounts respectively as are fixed as the average annual incomes of the deans and canons

Incomes of
deans and
canons may
be aug-
mented out
of the com-
mon fund.

respec-

respectively of the cathedral churches of Saint David's and Llandaff by the said first-recited act, and that the provisions of the said recited acts respecting the augmentation of the incomes of deans and canons*, shall be construed to authorize the augmentation of the incomes of the respective deans and canons residentiary aforesaid, out of the common fund in the said first-recited act mentioned.

Houses of residence to be provided at St. Asaph, Bangor, and Llandaff.

VII. And be it enacted, that it shall be lawful, by the authority herein-before mentioned, to provide, out of the same fund, one fit house, at Saint Asaph, Bangor, and Llandaff respectively, as a house of residence for the use of the canons residentiary of the cathedral churches of the said cities respectively, and also a fit house of residence for the dean of Llandaff.

Archdeacons to be separated from bishopricks.

VIII. And be it enacted, that from and after the passing of this act the dignity and office of archdeacon of Saint Asaph shall no longer be holden by the bishop of Saint Asaph, and the dignities and offices of archdeacon of Bangor and archdeacon of Anglesea shall be dissevered from the bishoprick of Bangor, and be no longer holden by the bishop of Bangor, and the archdeaconry of Anglesea shall be incorporated with and form part of the archdeaconry of Bangor; provided that nothing herein contained shall affect any lands, tithes, tenements, or other hereditaments, or endowments, now forming part of the property and revenues of the respective sees of Saint Asaph and Bangor.

Archdeaconry may be separated from the deanery of Llandaff.

IX. And be it enacted, that the dignity and office of archdeacon of Llandaff may, by the authority

* 3 & 4 Vict. c. 113. ss. 52. 66. pp. 59. 69. and 4 & 5 Vict. c. 39. s. 20. p. 100.

herein-before mentioned, be separated from the deanery of Llandaff: Provided always, ~~that~~ such separation shall not take place before the next vacancy of the said deanery without the consent of the present dean.

X. And be it enacted, that within one calendar month after the passing of this act the treasurer of the governors of the bounty of Queen Anne shall deliver to the Ecclesiastical Commissioners for England a full and particular account, of all monies received and paid by him, under and by virtue of any act of Parliament, on account of the said dioceses and cathedral churches of Saint Asaph and Bangor respectively, and of all things done by him, and of all proceedings then pending in respect thereof; and that, within such time after the delivery of such account as shall be specified in any order made upon him for that purpose by the said Commissioners, he shall pay and deliver, or cause to be paid and delivered, to the said Commissioners, or into such bank as shall be named in such order, to their account, for the purposes of this act, all monies then remaining in his hands or to his account, and all exchequer bills and other securities for money, and all books of accounts, papers, and writings, in his possession or power in respect thereof; and that it shall be lawful for the said Commissioners to allow to the said treasurer in his accounts such sum of money as shall appear to them to be just and reasonable, in compensation for his pains and trouble, and also all proper costs, charges, and expences incurred in the execution of the trusts reposed in him by any such act in relation to the matters aforesaid; and that the receipt in writing of

Treasurer
of Queen
Anne's
Bounty to
pay over
proceeds of
suspended
canonries,
&c.

of the said Commissioners under their common seal shall be an effectual discharge to the said treasurer for all monies and other things therein expressed to be received by them.

Vested
interests
protected.

XI. And be it enacted, that the provisions of the first-recited act, whereby the interests of persons in possession at the time of the passing thereof were in any manner protected, shall be deemed to be repeated in this act, so as to protect the interests of all persons in possession at the time of the passing hereof, in the like respects and to the same extent as the interests of such first-mentioned persons are so protected as aforesaid.

Appoint-
ment, &c.
of Welsh
clergymen
to officiate
in London
or West-
minster.

XII. And be it enacted, that out of the proceeds of any lands, tithes, tenements, or other hereditaments in the principality of Wales, vested or to be vested in the Ecclesiastical Commissioners for England by or under the provisions of the said recited acts or this act, it shall be lawful, by the authority herein-before mentioned, to make provision, in whole or in part, for the competent maintenance of any spiritual person or persons (being a native or natives of the principality aforesaid) who may be licensed by the bishop of the diocese for the time being to officiate in any church or chapel within London or Westminster or the suburbs thereof, duly consecrated for the performance of divine service according to the rites and ceremonies of the United Church of England and Ireland, in the Welch language; and such bishop is hereby authorized to license any such spiritual person or persons accordingly.

XIII. And

XIII. And be it enacted, that so much of the said first-recited act as relates to the college of Saint David's at Lampeter shall be repealed; and that, so soon as conveniently may be, and by the authority herein-before mentioned, arrangements may be made for effecting the sale, to any person or persons or body corporate capable of holding the same, of the advowsons of the several benefices with cure of souls now annexed to the said college, and for investing the proceeds of such sales respectively for the use and benefit of the said college; and that if, after the sales of the advowsons of all such benefices, it shall be made to appear to the said Ecclesiastical Commissioners that the said college, when it shall be in the enjoyment of the use and benefit of the whole proceeds of all such sales when so invested, as aforesaid, will still not be competently endowed, it shall be lawful, by the like authority, to transfer to the said college, in augmentation of the endowment thereof, any of the lands, tithes, tenements, or other hereditaments aforesaid, or of the proceeds thereof.

Better provision for St. David's College at Lampeter.

XIV. And be it enacted, that all the powers and authorities vested in Her Majesty in council and in the said Commissioners by the first-recited act, with reference to the matters therein contained, and all other provisions of the same act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and apply to Her Majesty in council, and to the said Commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference

Powers of former acts extended to this act.

reference to all matters contained in this act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

Repeal of
5 & 6 Vict.
c. 112. in
part.

XV. And be it enacted, that so much of an act passed in the last session of Parliament, intituled
* “ An Act for suspending, until the First Day of
“ October One thousand eight hundred and forty-
“ three, Appointments to certain Ecclesiastical Pre-
“ ferments in the Dioceses of Saint Asaph and
“ Bangor, and for securing certain Property to the
“ said Sees,” as relates to the continuance of certain temporary acts therein recited, shall be repealed; provided that nothing herein contained shall prejudice or affect any thing done or any proceeding pending under or by virtue of or relating to the provisions of the said therein-recited acts or either of them.

Act may be
repealed,
&c. this
session.

XVI. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of Parliament.

* Appendix, p. 235.

ANNO QUINTO & SEXTO
GULIELMI IV. REGIS.

C A P. LXXVI.

Part of *An Act to provide for the Regulation of
Municipal Corporations in England and Wales.*

[9th September 1835.]

CXXXIX. And be it enacted, that in every case in which any body corporate, or any particular class, number, or description of members, or the governing body of any body corporate, now is or are in their corporate capacity, and not as charitable trustees, according to the meaning and provisions of this act, seised or possessed of any manors, lands, tenements, or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendant or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment, every such advowson and every such right of nomination and presentation shall be sold at such time and in such manner as *The Commissioners appointed by His Majesty to consider the state of the Established Church in England and Wales, with reference to ecclesiastical duties and revenues**, may

In cases where bodies corporate are seised in their corporate capacity of advowsons, &c. the same may be sold as ecclesiastical commissioners may direct.

* Transferred to the Ecclesiastical Commissioners for England by 6 & 7 W. 4. c. 77. s. 26. p. 25.

direct,

direct, so that the best price may be obtained for the same; and it shall be lawful for the council of such body corporate, and they are hereby authorized and required, with the consent of the said Commissioners, or any three or more of them, in writing under their hands, to convey and assure, under the common seal of such body corporate, such advowson, or such right of nomination or presentation as aforesaid, to the purchaser or purchasers thereof respectively, his or their heirs, executors, administrators, and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the treasurer of the borough, whose receipt shall be a sufficient and effectual discharge to the purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money, and shall be by him invested in government securities for the use of the body corporate, and the annual interest payable thereon shall be carried to the account of the borough fund: Provided always, that in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the bishop or ordinary of the diocese in which such benefice or ecclesiastical preferment is situated.

Vacancy
arising
from sale
to be sup-
plied by
bishop of
the diocese.

APPENDIX
TO
ACTS
RELATING TO
THE ECCLESIASTICAL COMMISSIONERS.

PRINTED FOR
THE ECCLESIASTICAL COMMISSIONERS FOR ENGLAND,
BY
GEORGE E. EYRE AND ANDREW SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1844.

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

C A P. XXX.*

An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales.

[21st August 1835.]

WHEREAS His Majesty was pleased, on the fourth day of February last, to issue a commission to certain persons therein named for considering the state of the established church in England and Wales with reference to ecclesiastical duties and revenues, which commission has since been renewed, and such renewed commission is now in force, and the inquiries thereby directed are now in progress, and some time must elapse before the same can be brought to a termination: And whereas His Majesty has been graciously pleased to signify, that, in order to promote the important objects of the said commission, it is His Majesty's intention to defer any nomination to any vacant dignity, prebend, canonry, or benefice without cure of souls which may be in the patronage of the Crown until the circumstances connected therewith shall have undergone the consideration of the

* This act is now extinct, but is introduced here as one of a series of acts which it may be necessary to refer to in respect of proceedings under their provisions.

*Suspension
of
Cathedral
Preferments.*
==

Profits of
dignities
or benefices
without
cure of souls
becoming
vacant
during the
existence of
the eccle-
siastical
commission
to be paid
to the trea-
surer of
Queen
Anne's
bounty.

said Commissioners; and the two archbishops, and divers of the bishops of England and Wales, have declared their intention of pursuing the same course with regard to similar preferments in their respective patronage (excepting only the dignity of archdeacon), and a similar declaration has been made by certain other patrons: And whereas several dignities, prebends, canonries, and benefices without cure of souls have become vacant since the said fourth day of February last, and others may become vacant pending the said inquiries now in progress; and it is expedient that the same should remain vacant until it shall be decided in what mode they can be disposed of so as to be made most conducive to the efficiency of the established church; and with that view it is necessary to provide that due care be taken of the revenues of such dignities, prebends, canonries, and benefices, and that the right of presentation or collation thereto shall not lapse by reason of delay in such presentation or collation: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where any dignity, prebend, canonry, or benefice without cure of souls, being in the patronage of His Majesty, or of any archbishop, bishop, or other patron in England or Wales, has become vacant since the said fourth day of February last, or shall become vacant during the existence of the said commission now in force, or of any renewal thereof, all profits and emoluments which have arisen or accrued, and which shall arise and accrue, from every such vacant dignity, prebend, canonry, or benefice, until a successor shall have been appointed thereto, whether from houses, lands, tithes, or hereditaments to the same belonging, or from rents, fines, compositions, dividends, or other emoluments belonging to any chapter or other aggregate body of which the dignitary, prebendary, canon, or incumbent last in possession was a member, shall be paid to the treasurer for the time being of the governors of the bounty

bounty of Queen Anne, in as full and ample manner as such dignitary, prebendary, canon, or incumbent, if he had remained in possession, or his successor, if duly appointed, inducted, or installed, would be entitled to receive the same; and such treasurer shall, for the purpose of enforcing payment of all such profits and emoluments, have and enjoy all legal rights, powers, and remedies, whether by action, suit, or distress, as the case may be, which would belong to such successor: Provided always, that such treasurer shall not have the power of granting any lease, or of presenting to any benefice with cure of souls: Provided also, that such treasurer shall not be answerable or accountable for any monies payable by virtue of this act, which shall not have been actually received by him.

*Suspension
of
Cathedral
Preferments.*
=====

II. And be it further enacted, that such treasurer shall keep an account of all sums received by him under this act separate from all other funds in his hands, and distinguishing each dignity or benefice in respect whereof the same shall be received, and shall allow all costs, expences, and outgoings which would have fallen on the deceased incumbent, or may be reasonably incurred in the receipt of or enforcing the payment of the sums received, the amount thereof being allowed by the governors of the said bounty for the time being, and shall retain the balance in his hands until he shall be otherwise ordered by competent authority.

*Treasurer
to keep an
account of
the re-
ceipts, and
allow ex-
pences.*

III. Provided always, and be it enacted, that nothing in this act contained shall apply to or affect any profits or emoluments of any dignity, prebend, canonry, or benefice now vacant, which shall have been already divided or carried to any particular account, according to the statutes, customs, or usages of the cathedral or collegiate church in which such dignity may be founded.

*Excepting
such profits
of dignities
now vacant
as are
already ap-
propriated.*

IV. Provided also, and be it enacted, that nothing in this act contained shall prevent His Majesty, or any archbishop, bishop, or other patron of any dignity, prebend, canonry, or benefice without cure of souls, which may have or hereafter shall become vacant, from appointing

*Not to pre-
vent pa-
trons from
appointing,
if they think
proper
do :*

a successor thereto in case he shall think proper to do so.

Providing
for the pre-
sentation to
benefices
in the pa-
tronage of
such vacant
dignity, &c.

V. And be it further enacted, that where any benefice with cure of souls, being in the patronage of the holder or incumbent of any such dignity, prebend, canonry, or benefice as aforesaid without cure of souls, shall have become or shall become vacant during the vacancy of such last-mentioned dignity, prebend, canonry, or benefice, the patron of such last-mentioned dignity, prebend, canonry, or benefice shall be entitled to present to such benefice with cure of souls.

Right of
presenta-
tion to
vacant dig-
nity or
benefice
not to lapse.

VI. And be it further enacted, that the right of presentation or collation to any dignity, prebend, canonry, or benefice without cure of souls so become or becoming vacant as aforesaid shall not, by reason of any delay in presenting or collating thereto, lapse to any bishop or archbishop, or to the King's Majesty; any law or custom to the contrary notwithstanding: Provided always, that the patron of such vacant dignity, prebend, canonry, or benefice shall within six months after the vacancy give notice thereof in writing to the Commissioners hereinbefore mentioned, who shall transmit a copy of such notice to the said treasurer; and the said treasurer shall, upon receipt thereof, forthwith proceed to demand, collect, and receive, and shall, during the time that such dignity or benefice shall remain liable to the provisions of this act, continue from time to time to demand, collect, and receive the profits and emoluments as they shall respectively become due and payable, and shall diligently use and exercise all the powers and authorities hereby to him given for duly and regularly enforcing the payment thereof.

Treasurer
of Queen
Anne's
bounty to
collect the
profits of
the vacant
benefice,
&c.

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

C A P. LXVII.*

An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.

[13th August 1836.]

WHEREAS His Majesty was pleased, on the fourth day of February and on the sixth day of June in the year one thousand eight hundred and thirty-five, to issue two several commissions to certain persons therein respectively named, directing them to consider the state of the established church in England and Wales with reference to ecclesiastical duties and revenues: And whereas the said Commissioners have, in pursuance of such directions, made four several reports to His Majesty, bearing date respectively the seventeenth day of March one thousand eight hundred and thirty-five, and the fourth day of March, the twentieth day of May, and the twenty-fourth day of June one thousand eight hundred and thirty-six, and have in the last of such reports, amongst other things, recommended that the chapter of each cathedral church in England, except at Oxford, of the collegiate church of Westminster, and of His Majesty's royal chapel of Windsor, consist hereafter of a dean and four canons only; that the chapter of Christ Church in Oxford consist hereafter of a dean and six canons only; that the chapters of Saint Asaph and Bangor respectively consist hereafter of a dean and two canons

* See Note, p. 211.

*Suspension
of
Cathedral
Preferments.*
=====

only; that the chapter of Saint David's consist hereafter of a precentor and two canons only, and that the chapter of Llandaff consist hereafter of an archdeacon and two canons only; and that no new appointment be made to any of the prebends, dignities, or offices, not being residentiary, in the several cathedral and collegiate churches, except as therein specified, nor to the deanery of Wolverhampton; and that all ecclesiastical rectories without cure of souls, except such as are in the patronage of any college in either of the universities, or of any private patron, be suppressed: And whereas the said Commissioners have also recommended various other measures, some of which are connected with and dependent upon the foregoing recommendations, and it is expedient that the reports of the said Commissioners in these respects should be further considered in the next session of parliament: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all future appointments to any ecclesiastical dignity, place, or office referred to in the above-mentioned recommendations be made subject to such measures and regulations as may hereafter be enacted respecting the same, except as herein-after excepted; no appointment, presentation, or collation be made to any canonry, prebend, or dignity in any cathedral church in England or Wales, or in His Majesty's royal chapel of Windsor, or in the collegiate churches of Westminster and Ripon, or to any benefice without cure of souls in England or Wales, which is now vacant or which shall hereafter become vacant during the continuance of this act: Provided always, that nothing herein contained shall be construed to apply to any archdeaconry, nor to any deanery, except the deanery of Wolverhampton, nor to the dignity of precentor in the cathedral church of Saint David's, nor to any of the canonries in the cathedral churches of York, Saint Paul's in London, Carlisle, Chichester, and Lincoln, nor to either of the two canonries

Future
appoint-
ments.

Vacancies
in canon-
ries, pre-
bends, or
dignities
not to be
filled up.

Proviso.

of Christ Church, which are respectively annexed to the regius professorships of divinity and Hebrew in the university of Oxford, nor to the prebend in the cathedral church of Worcester, which is annexed to the Lady Margaret's professorship of divinity in the same university, nor to the two prebends in the collegiate church of Westminster, which the said Commissioners have in their said reports recommended to be annexed to the parishes of Saint Margaret and Saint John in the city of Westminster respectively, nor to the fourth prebend in the cathedral church of Durham, which is by an act passed in the second year of His present Majesty's reign to be annexed to the archdeaconry of Durham, nor to the prebends in the cathedral churches of Gloucester, Norwich, and Rochester, which are respectively annexed to the masterships of Pembroke College in Oxford and of Catherine Hall in Cambridge, the provostship of Oriel College in Oxford, and the archdeaconry of Rochester respectively, nor to any prebend now enjoyed by the bishops of Lincoln, Lichfield, Exeter, and Salisbury in the chapters of their respective sees, nor to any benefice without cure of souls which is in the patronage of any college in either of the universities or of any private patron, nor to any canonry in the chapter of Christ Church in Oxford by the vacancy of which the canonries in the said chapter shall be reduced below the number of six, nor to any prebend or canonry in the chapter of any other cathedral or collegiate church in England, or of His Majesty's royal chapel of Windsor, or of the collegiate churches of Westminster or Ripon, by the vacancy of which the prebends or canonries in such chapters respectively shall be reduced below the number of four, nor to any canonry in the chapter of either of the cathedral churches of Wales by the vacancy of which the canonries in such chapter shall be reduced below the number of two.

*Suspension
of
Cathedral
Preferments.*
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II. And whereas an act was passed in the last session of parliament, intituled "An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries,

Act not to
affect act
5 & 6 W. 4.
c. 30.

*Suspension
of
Cathedral
Preferments.*

“ Canonries, and Benefices without Cure of Souls, and
“ for preventing the Lapse thereof, during the pending
“ Inquiries respecting the State of the Established
“ Church in England and Wales;” be it enacted, that
nothing herein contained shall be construed to prejudice
or affect the said act, excepting such part thereof as
provides that nothing therein contained shall prevent His
Majesty, or any archbishop, bishop, or other patron of
any dignity, prebend, canonry, or benefice without cure
of souls which at the time of the passing of the said act
might have or should thereafter become vacant, from
appointing a successor thereto in case he should think
proper to do so, but that such last-mentioned provision,
except so far as it relates to any canonry, prebend,
dignity, or benefice herein-before excepted from the
operation of this act, be and the same is hereby
repealed.

Recited act
to continue
in force with
this act.

III. And be it enacted, that all the provisions of the
said act, except as herein excepted, shall remain in full
force during the continuance of this act.

Duration
of act.

IV. And be it enacted, that this act shall continue and
be in force for one year from the passing thereof, and if
parliament shall be then sitting, until the end of the
session of parliament.

ANNO PRIMO

VICTORIÆ REGINÆ.

C A P. LXXI.*

An Act to continue until the First Day of August One thousand eight hundred and thirty-eight, and to the End of the then Session of Parliament, Two Acts of the last Session of Parliament, for suspending Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories, and for preventing the immediate Effects on Ecclesiastical Jurisdictions of the Measures in progress for the Alteration of Dioceses.

[15th July 1837.]

WHEREAS an act was passed in the last session of parliament, intituled “An Act for suspending for
 “One Year Appointments to certain Dignities and
 “Offices in Cathedral and Collegiate Churches, and to
 “Sinecure Rectories:” And whereas another act was
 passed in the same session, intituled “An Act for car-
 “rying into effect the Reports of the Commissioners
 “appointed to consider the State of the Established
 “Church in England and Wales, with reference to Eccle-
 “siastical Duties and Revenues, so far as they relate to
 “Episcopal Dioceses, Revenues, and Patronage,” in
 which latter act are contained certain provisions which
 were to continue in force only for one year after the
 passing thereof, or, if parliament should be then sitting,
 till the end of the session of parliament: And whereas
 it is expedient to continue for a further time the
 said first-recited act and the temporary provisions of

6 & 7 W. 4.
c. 67.6 & 7 W. 4.
c. 77.

* See Note, p. 211.

*Suspension
of
Cathedral
Preferments.*
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First-
recited act
and certain
parts of
last-recited
act further
continued.

Nothing in
this act to
prevent
bishops, &c.
holding
visitations
or conse-
crating new
churches,
&c.

the said secondly-recited act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said firstly herein-before recited act and the said temporary provisions of the said secondly herein-before recited act shall continue and be in force until the first day of August one thousand eight hundred and thirty-eight, and, if parliament shall be then sitting, until the end of the then session of parliament.

II. Provided always, and be it enacted, that nothing contained in this act shall be construed to prevent any bishop or archdeacon to whom ecclesiastical jurisdiction and authority over any parts of England or Wales shall have been given by any order in council under the provisions of the said last-recited act passed in the session held in the sixth and seventh years of the reign of His late Majesty, from holding visitations of the clergy, and at such visitations admitting churchwardens, receiving presentments, and doing all other acts, matters, and things by custom appertaining to the visitation of bishops and archdeacons in the places assigned to his jurisdiction and authority under the enactments of the said recited act: Provided also, that nothing contained in this act shall be construed to prevent any bishop from consecrating a new church or chapel or a new burial ground within his diocese as assigned by the provisions of the said recited act.

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

C A P. CVIII.*

An Act for suspending until the First Day of August One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the Appointment to certain Dignities and Offices in Cathedral and Collegiate Churches and to Sinecure Rectories.

[15th August 1838.]

WHEREAS an act was passed in the seventh year of the reign of His late Majesty, intituled “An Act 6 & 7 W. 4. c. 67.
 “for suspending for One Year Appointments to certain
 “Dignities and Offices in Cathedral and Collegiate
 “Churches, and to Sinecure Rectories:” And whereas another act was passed in the same session of parliament, intituled “An Act for carrying into effect the Reports of 6 & 7 W. 4. c. 77.
 “the Commissioners appointed to consider the State of
 “the Established Church in England and Wales, with
 “reference to Ecclesiastical Duties and Revenues, so far
 “as they relate to Episcopal Dioceses, Revenues, and
 “Patronage;” in which latter act are contained certain provisions which were to continue in force only for one year after the passing thereof, or, if parliament should be then sitting, till the end of the session of parliament: And whereas another act was passed in the last session of parliament to continue the provisions of the first-recited act and the temporary provisions of the second-recited act until the first day of August in the year one thousand eight hundred and thirty-eight, and, if parliament should be then sitting, until the end of the then session of par-

* See Note, p. 211.

First-recited act and certain parts of second-recited act further continued.

Patron of any vacant dignity, &c. to be considered the patron of any benefice with cure of which the holder, if filled up, would have been patron.

This act not to prevent visitations or consecrations.

Bishop may, on visitation of portion of another

liament: And whereas it is expedient to continue the provisions of the said recited acts for a further time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the first-recited act, and the temporary provisions of the second-recited act, shall continue and be in force until the first day of August in the year one thousand eight hundred and thirty-nine, and, if parliament shall be then sitting, until the end of that session of parliament.

II. And be it further enacted, that during the vacancy of any dignity, prebend, canonry, or benefice without cure of souls, which is now vacant under the provisions of the said recited acts, or which shall hereafter become vacant during the continuance of such provisions by virtue of this act, the holder or incumbent of which respectively, if a successor had been duly admitted thereto, would have been in right thereof the patron of any benefice with cure of souls, the patron of such dignity, prebend, canonry, or benefice without cure shall be considered for all legal purposes to be the patron for the time being of any such benefice with cure of souls.

III. Provided always, and be it enacted, that, notwithstanding any thing contained in this act or in the first-recited act, any bishop or archdeacon may hold visitations of the clergy within the limits of his diocese or archdeaconry, and at such visitations may admit churchwardens, receive presentments, and do all other acts, matters, and things by custom appertaining to the visitation of bishops and archdeacons, in the places assigned to his jurisdiction and authority under or by virtue of the enactments of the secondly-recited act, and any bishop may consecrate a new church or chapel or a new burial ground within his diocese, as assigned under the provisions of the last-mentioned act.

IV. Provided always, and be it further enacted, that every bishop to whom any portion of another diocese shall have been transferred by any order in council under the

the provisions of the last-recited act passed in the session held in the sixth and seventh years of the reign of His late Majesty shall, during the visitation of such portion of his diocese so transferred, be assisted by his own chancellor or commissary and attended by his own registrar; and that during any such visitation the chancellor or commissary aforesaid shall, in the name of such bishop, and in conformity with the usages observed in such diocese, inhibit all inferior and concurrent jurisdictions, receive presentments, admit churchwardens to their office, issue marriage licences, grant probate of wills and letters of administration to the effects of intestates, and exercise in every respect the same jurisdiction which the chancellor or commissary of any preceding bishop has exercised in such portion of his diocese so transferred pending the visitation of the diocesan, and the duration of any inhibition which may have issued in consequence of such visitation, any thing in the last-recited act to the contrary notwithstanding; and that all acts which have been or shall be done by any chancellor or commissary so assisting such bishop as aforesaid shall be taken to be good and valid in law to all intents and purposes whatsoever.

diocese transferred to him by order in council, be assisted by his own chancellor, &c. ; and all acts of such chancellor to be valid.

V. Provided also, and be it enacted, that nothing contained in this act or in the first-recited act shall be construed to prevent the appointment, presentation, or collation of the reverend Frederick Vernon Lockwood, the reverend Edward Repton, or the reverend Temple Frere (formerly chaplains to the house of commons), to any canonry, prebend, or dignity which is now vacant, or which shall hereafter become vacant during the continuance of the provisions of the recited acts, by virtue of this act, to which it may please Her Majesty to appoint them or any of them; nor to prevent the reverend Henry Huntingford, now prælector or lecturer in the cathedral church of Hereford, from succeeding to the canonry or residentiaryship in the said church which has become vacant by the death of the reverend John Clutton, doctor of divinity; nor to prevent the Bishop of Hereford

This act not to prevent any appointment of the late chaplains of the house of commons, or the succession of the Rev. H. Huntingford, &c.

*Suspension
of
Cathedral
Preferments.*
==

Hereford from disposing of the canonry and prebend in the cathedral church of Hereford now held by the reverend Henry C Hobart, M.A., should the same become vacant; nor to prevent the appointment of the reverend Henry Jenkyns, professor of Greek in the University of Durham, to the canonry designed for him by the late William Bishop of Durham, and now held by Richard Prosser, doctor of divinity, when the same shall become vacant.

ANNO SECUNDO

VICTORIÆ REGINÆ.

C A P. IX.*

An Act for repealing Part of an Act of the last Session of Parliament, intituled "An Act for suspending until " the First Day of August One thousand eight hundred " and thirty-nine, and to the End of the then Session " of Parliament, the Appointment to certain Dignities " and Offices in Cathedral and Collegiate Churches, " and to Sinecure Rectories." [14th May 1839.]

WHEREAS by an act passed in the last session of parliament, intituled "An Act for suspending until 1 & 2 Vict. c. 108.
 " the First Day of August One thousand eight hundred
 " and thirty-nine, and to the End of the then Session
 " of Parliament, the Appointment to certain Dignities
 " and Offices in Cathedral and Collegiate Churches, and
 " to Sinecure Rectories," it was, amongst other things, enacted as follows; that is to say, that every bishop to whom any portion of another diocese shall have been transferred by any order in council under the provisions of the last-recited act passed in the session held in the sixth and seventh years of the reign of His late Majesty, thereby meaning an act intituled "An Act for carrying 6 & 7 W. 4. c. 77.
 " into effect the Reports of the Commissioners appointed
 " to consider the State of the Established Church in
 " England and Wales, with reference to Ecclesiastical
 " Duties and Revenues, so far as they relate to Episcopal
 " Dioceses, Revenues, and Patronage," shall, during the visitation of such portion of his diocese so transferred, be assisted by his own chancellor or commissary, and

* See Note, p. 211.

*Suspension
of
Cathedral
Preferments.*
==

attended by his own registrar; and that during any such visitation the chancellor or commissary aforesaid shall in the name of such bishop, and in conformity with the usages observed in such diocese, inhibit all inferior and concurrent jurisdictions, receive presentments, admit churchwardens to their office, issue marriage licences, grant probates of wills and letters of administration to the effects of intestates, and exercise in every respect the same jurisdiction which the chancellor or commissary of any preceding bishop has exercised in such portion of his diocese so transferred, pending the visitation of the diocesan, and the duration of any inhibition which may have issued in consequence of such visitation, any thing in the last-recited act to the contrary notwithstanding; and that all acts which have been or shall be done by any chancellor or commissary so assisting such bishop as aforesaid shall be taken to be good and valid in law to all intents and purposes whatsoever: And whereas great inconvenience is likely to arise from the provisions aforesaid, and it is advisable that the same should be repealed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act so much of the said recited act as is herein recited shall be and the same is hereby repealed, save and except as to any matter or thing which shall have been done by any bishop, chancellor, commissary, or registrar, under the provisions of the said first-recited act, before the passing of this act.

Certain
part of re-
cited act,
relating to
bishops
visitations,
repealed.

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

C A P. LV.*

An Act to suspend, until the First Day of August One thousand eight hundred and forty, certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts. [17th August 1839.]

WHEREAS an act was passed in the session held in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act for protecting 5 & 6 W. 4. c. 30.
" the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending inquiries respecting the State of the Established Church in England and Wales:" And whereas another act was passed in the following session, intituled "An 6 & 7 W. 4. c. 67.
" Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories:" And whereas another act was passed in the same session, intituled "An Act for carrying into effect the Reports 6 & 7 W. 4. c. 77.
" of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage," in which latter act are contained certain provisions which were to continue in force for one year

* See Note, p. 211.

*Suspension
of
Cathedral
Preferments.*

7 W. 4. &
1 Vict. c. 71.
1 & 2 Vict.
c. 108.

Former
suspension
acts con-
tinued for
a year.

Exceptions.

after the passing thereof, or, if parliament should be then sitting, till the end of the session of parliament: And whereas the said secondly-recited act, and the temporary provisions of the said last-recited act, have been continued, by two acts passed for that purpose in the two last sessions of parliament, until the first day of August in the present year, and if parliament shall be then sitting, until the end of the session of parliament: And whereas the commission in the said first-recited act mentioned expired in consequence of the demise of the Crown, but the inquiries thereby directed, and the measures consequent thereon, have not yet been brought to a termination, and it is therefore expedient to continue the said secondly-recited act, and the temporary provisions of the said thirdly-recited act, for a limited time, and with the exceptions herein-after mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said secondly-recited act, and the said temporary provisions of the said thirdly-recited act, shall continue and be in force until the first day of August one thousand eight hundred and forty, and, if parliament shall be then sitting, until the end of the then session of parliament: Provided always, notwithstanding any thing in this act or in the said recited act contained, that upon the vacancy of any three prebends in the cathedral church of Canterbury in the patronage of the Crown it shall be lawful for Her Majesty to appoint a successor to the third of such vacant prebends, and upon the vacancy of any two prebends in the same church in the patronage of the Lord Archbishop of Canterbury it shall be lawful for the said archbishop to appoint a successor to the second of such vacant prebends; and that upon the vacancy of any two canonries or prebends residentiary in either of the cathedral churches of Bristol, Chester, Ripon, Salisbury, or Wells, it shall be lawful to appoint or elect a successor to the second of such vacant canonries or prebends residentiary

tiary in such churches respectively; and that upon the vacancy of two prebends in either of the cathedral churches of Gloucester, Norwich, or Rochester, besides the prebends which are respectively annexed to the masterships of Pembroke College in Oxford, and of Catherine Hall in Cambridge, the provostship of Oriel College in Oxford, and the archdeaconry of Rochester respectively, it shall be lawful to appoint a successor to the second of such vacant prebends in such churches respectively; and that upon the vacancy of any three canonries or prebends residentiary in either of the cathedral churches of Ely, Exeter, Winchester, or Worcester, or in the collegiate church of Saint Peter, Westminster, or in Her Majesty's royal free chapel of Saint George in Windsor, besides the prebend in the said church of Worcester which is annexed to the Lady Margaret's professorship of divinity in the university of Oxford, it shall be lawful to appoint a successor to the third of such vacant canonries or prebends residentiary in such churches respectively; and that nothing in the said recited acts or in this act contained shall prevent the appointment of the Reverend Henry Jenkyns, professor of Greek in the university of Durham, to the prebend in the cathedral church of Durham designed for him by the late William bishop of Durham, and now held by Richard Prosser, doctor of divinity, if the same shall become vacant; and that upon the vacancy of any other three prebends in the same cathedral church, besides the fourth prebend, which is by an act passed in the second year of His late Majesty's reign to be annexed to the archdeaconry of Durham, it shall be lawful to appoint a successor to the third of such vacant prebends; and that in the same cathedral church, and in the said collegiate church of Saint Peter, Westminster, it shall be lawful to fill up any vacancy whereby the number of prebendaries in such two last-mentioned churches respectively shall be reduced below the number of six; and that when the canonry and prebend in the cathedral church of Hereford now held by Henry Charles

*Suspension
of
Cathedral
Preferments.*
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Hobart shall become vacant it shall be lawful to appoint a successor thereto.

Patron of vacant sine-cure to be patron of any appendant benefice.

II. And be it enacted, that during the vacancy of any dignity, prebend, canonry, or benefice without cure of souls, which is now vacant under the provisions of the said recited acts, or which shall hereafter become vacant during the continuance of this act, the holder or incumbent of which respectively, if a successor, had been duly admitted thereto, would have been in right thereof the patron of any benefice with cure of souls, the patron of such dignity, prebend, canonry, or benefice without cure of souls shall be considered for all legal purposes to be the patron for the time being of any such benefice with cure of souls.

First recited act to apply to present and future vacancies.

III. And be it declared and enacted, that all the powers and provisions of the said first-recited act (except only so far as the same are varied by the said secondly-recited act) shall extend and apply to all dignities, prebends, canonries, and benefices without cure of souls which have become vacant since the fourth day of February in the first-recited act mentioned, or which shall become vacant during the continuance of this act, except only as to so much of the profits and emoluments of any prebend or canonry to which a successor has been or may be appointed under the said recited acts or one of them, or this act, as may have accrued or may accrue since or after the appointment of such successor.

Proviso for visitations, &c. within new limits of dioceses.

IV. Provided always, and be it enacted, that, notwithstanding any thing in this act or in the said recited acts contained, any bishop or archdeacon may hold visitations of the clergy within the limits of his diocese or archdeaconry, and at such visitations may admit churchwardens, receive presentments, and do all other acts, matters, and things by custom appertaining to the visitation of bishops and archdeacons in the places assigned to his jurisdiction and authority, under or by virtue of the enactments of the thirdly-recited act, and any bishop may consecrate a new church or chapel or a

new

new burial ground within his diocese, as assigned under the provisions of the last-mentioned act.

V. And be it enacted, that, in order to prevent any difficulty which by reason of the restrictions contained in the said secondly-recited act might occur in any cathedral church in the filling up of the deanery thereof, or of a canonry residentiary therein, in consequence of the provisions of any statute, or of any usage or custom of such church, nothing in the said secondly-recited act or in this act contained shall, during the vacancy of the deanery of any cathedral church, prevent the appointment or collation of any spiritual person to any canonry, prebend, or dignity, or his appointment to any canonry residentiary in such church, to the intent and purpose that such spiritual person may be appointed, elected, or otherwise admitted to the deanery of the same church, nor the appointment of any spiritual person already holding a canonry, prebend, or dignity in such cathedral church to any canonry residentiary therein, to the same intent and purpose, nor during the vacancy of any canonry residentiary in any cathedral church, which, notwithstanding the restrictions aforesaid, may, according to the provisions of the said secondly-recited act or of this act, be filled up, shall prevent the appointment or collation of any spiritual person to any canonry, prebend, or dignity in the same church to the intent and purpose that such spiritual person may be appointed to such canonry residentiary, but that every spiritual person who by virtue of this provision shall be admitted to any canonry, prebend, or dignity, or to any canonry residentiary, to either of the intents and purposes aforesaid, shall hold and enjoy the same respectively, with all the rights, privileges, and emoluments to the same respectively belonging or appertaining, subject nevertheless to such measures and regulations as may hereafter be enacted respecting the same: Provided always, that if after the appointment or collation to any canonry, prebend, or dignity, or the appointment to any canonry residentiary, in any cathedral church, by virtue of this

Not to prevent appointments to qualify for holding a deanery or canonry residentiary.

*Suspension
of
Cathedral
Preferments.*
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provision, of any spiritual person, to the intent and purpose of his being appointed, elected, or otherwise admitted to the deanery thereof, or to a vacant canonry residentiary therein, any other than such spiritual person shall be appointed, elected, or otherwise admitted to such deanery or last-mentioned canonry residentiary, as the case may be, the canonry, prebend, or dignity, or the canonry residentiary, to which such spiritual person shall have been appointed or collated, shall be and be held to be ipso facto vacant, and the appointment, collation, election, or other admission thereto absolutely void and of no effect.

ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. LVIII.*

An Act for further suspending, until the First Day of October One thousand eight hundred and forty-three, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions.

[30th July 1842.]

WHEREAS an act was passed in the seventh year of the reign of His late Majesty, intituled “An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage;” and the said act contains certain temporary provisions relating to the state and jurisdiction of all the ecclesiastical courts in England and Wales: And whereas the said temporary provisions, having been from time to time continued by certain other acts of parliament, were further continued, together with a further provision respecting the visitations of bishops and archdeacons, and now stand continued by an act passed in the fifth year of Her Majesty’s reign, intituled “An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England,” until the first day of August next, and, if parliament shall be then sitting, until the end of the then session of parliament:

6 & 7 W. 4.
c. 77. s. 20.
25.

4 & 5 Vict.
c. 39. s. 28.

* See Note, p. 211.

*Suspension
of
Cathedral
Preferments.*
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Existing
ecclesias-
tical courts
not to be
affected by
diocesan
changes for
another
year.

Act may be
amended
this session.

And whereas it is expedient that the said temporary provisions, and such further provisions as aforesaid, should be further continued for a limited time: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the last-recited act as relates to the said temporary provisions, and to the visitations of bishops and archdeacons, shall continue and be in force until the first day of October in the year one thousand eight hundred and forty-three.

II. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CXII.

* Part of *An Act for suspending, until the First Day of October One thousand eight hundred and forty-three, Appointments to certain Ecclesiastical Preferments in the Dioceses of Saint Asaph and Bangor; and for securing certain Property to the said Sees.*

[12th August 1842.]

WHEREAS a temporary act was passed in the sixth year of the reign of His late Majesty, intituled “*An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales;*” and another temporary act was passed in the seventh year of the same reign, intituled “*An Act for suspending, for One Year, Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories;*” and the said acts, so far as they apply to the dioceses and cathedral churches of Saint Asaph and Bangor, have been and are continued until the first day of August next, and if parliament be then sitting until the end of the then session of parliament; and it is expedient further to continue the same for a limited time; be it therefore

* Repealed by 6 & 7 Vict. c. 77. s. 15. p. 206 For other part, see p. 173.

Recited
acts, so far
as they
apply to
St. Asaph
and Bangor,
continued to
1st Oct.
1843.

enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said acts, so far as they apply to the said dioceses and cathedral churches of Saint Asaph and Bangor, shall be and continue in force until the first day of October in the year one thousand eight hundred and forty-three.

ANNO SEXTO

GULIELMI IV. REGIS.

C A P. XIX.

Part of An Act for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham. [21st June 1836.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act the bishop of Durham for the time being shall have and exercise episcopal and ecclesiastical jurisdiction only; and that from and after the commencement of this act the palatine jurisdiction, power, and authority heretofore vested in and belonging to the bishop of Durham shall be separated from the bishoprick of Durham, and shall be transferred to and vested in His Majesty, his heirs and successors, as a franchise and royalty separate from the crown, and shall be exercised and enjoyed by His Majesty, his heirs and successors, (as a separate franchise and royalty,) in as large and ample a manner in all respects as the same has been heretofore exercised and enjoyed by the bishop of Durham; and that all forfeitures of lands or goods for treason or otherwise, and all mines of gold and silver, treasure trove, deodands, escheats, fines, and amerciaments, and all jura regalia of what nature or kind soever, which, if this act had not passed, would or might belong to the bishop of Durham for the time being, in right of the county palatine of Durham, shall be vested in

The palatine jurisdiction of the bishop of Durham to be separated from the bishoprick and vested in the Crown.

*Bishops'
Secular
Jurisdic-
tion.*

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in and belong to His Majesty and his successors in right of the same : Provided always, that nothing herein-before contained shall prejudice or affect the jurisdiction of any of the courts of the said county palatine, or any appointment heretofore made to any office in the said county palatine, or any act whatsoever heretofore done by the bishop of Durham in right of the said county palatine.

*Reservation
of Patent
Fees to
patentees.*

VI. Provided always, and be it further enacted, that nothing in this act contained shall affect the right of any person holding a patent of any office, whether abolished by this act or not, to receive any fee or stipend granted by such patent out of the revenues of the bishoprick of Durham ; and that such revenues shall continue and be subject to all the same fees and stipends in respect of any office in the said county of Durham as the same have been heretofore subject to.

*The bishop
to take and
hold subject
to future
provisions*

X. And be it further enacted, that from and after the passing of this act the bishop of Durham elect, or bishop of Durham for the time being, shall take and hold the said bishoprick, and all the property, patronage, and rights belonging thereto, except as herein-before provided, subject to and under any provisions which shall be made by or under the authority of parliament with respect to the said bishoprick within the space of three years next after the passing of this act ; any law, statute, or canon to the contrary notwithstanding.

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

C A P. LXXXVII.

Part of An Act for extinguishing the Secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties in the Counties of York, Nottingham, and Cambridge. [17th August 1836.]

WHEREAS it is expedient to put an end to the secular jurisdiction of the archbishop of York in the liberty of Ripon in the west and north ridings of the county of York, and in the liberty of Cawood, Wistow, and Otley in the said west riding, and in the soke of Southwell in the county of Nottingham, and to the secular jurisdiction of the bishop of Ely in the Isle of Ely in the county of Cambridge: Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all the secular authority of the archbishop of York in the said liberty of Ripon, and in the said liberty of Cawood, Wistow, and Otley, and in the said soke of Southwell, shall, from and after the passing of this act, cease and determine, and shall become and be transferred to and vested in His Majesty, His heirs and successors.

Secular jurisdiction of archbishop of York in the places herein mentioned to cease.

IV. And be it further enacted, that all the secular authority of the bishop of Ely in the Isle of Ely in the county of Cambridge, and all authority of the chief justice of Ely heretofore appointed by the bishop of Ely, shall, from and after the passing of this act, cease and determine; and all the secular authority of the said bishop

Secular jurisdiction of bishop of Ely to cease.

*Bishops'
Secular
Jurisdic-
tion.*
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bishop shall become and be vested in His Majesty, his heirs and successors: Provided always, that nothing herein contained shall prevent any justice of the peace now acting for the said liberties, soke, and isle respectively from continuing to act as such within the limits of their respective jurisdictions as if this act had not been passed.

Reserva-
tion of
patent fees
to patentees
for life.

XIX. And be it further enacted, that nothing in this act contained shall affect the right of any person holding a patent for his life of any office whether abolished by this act or not, to receive during his life any fee or stipend granted by such patent out of the revenues of the said respective sees.

Reserva-
tion of all
profits to
the sees.

XX. And be it further enacted, that nothing hereinbefore contained shall have the effect of severing or separating from the said archbishoprick or bishoprick any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits, or emoluments of any kind or description whatsoever, whether held in right of the said sees, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

The bishop
of Ely to
take and
hold subject
to future
provisions.

XXI. And be it enacted, that from and after the passing of this act the bishop of Ely for the time being shall take and hold the said bishoprick, and all the property, patronage, and rights belonging thereto, except as herein-before provided, subject to and under any provisions which shall be made by or under the authority of parliament with respect to the said bishoprick within the space of three years next after the passing of this act; any law, statute, or canon to the contrary notwithstanding.

ANNO SEXTO

GULIELMI IV. REGIS.

C A P. XX.

An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons. [21st June 1836.]

WHEREAS it is expedient that such provision as is herein-after contained should be made respecting the granting of ecclesiastical leases : Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the passing of this act no archbishop or bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, or prebendary, or other spiritual person, nor any master or guardian of any hospital, shall grant any new lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, by way of renewal of any lease which shall have been previously granted of the same for two or more lives, until one or more of the persons for whose lives such lease shall have been so made shall die, and then only for the surviving lives or life and for such new life or lives as, together with the life or lives of such survivor or survivors, shall make up the number of lives, not exceeding three in the whole, for which such lease shall have been so made as aforesaid ; and that where any such lease shall have been granted for forty years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person,

Restrictions
on ecclesiastical persons
granting
leases.

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master,

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Leases
Restriction.*

master, or guardian shall grant any new lease, by way of renewal of the same, until fourteen years of such lease shall have expired; and that where any such lease shall have been made as aforesaid for thirty years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same, until ten years of such lease shall have expired; and where any such lease shall have been granted for twenty-one years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same or (in the case of archbishops or bishops) concurrently therewith, until seven years of such lease shall have expired; and that where any such lease shall have been granted for years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall grant any lease, by way of renewal of the same or otherwise, for any life or lives: any law, statute, or custom to the contrary notwithstanding.

Recitals of
lease to be
taken as
evidence of
fact.

II. And be it further enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall hereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignitary, canonry, prebend, benefice, or hospital, such lease shall contain a recital or statement, in the case of a lease for lives, setting forth the names of the several persons named as cestuique vie in the then last preceding lease of the same premises, and stating which of such persons, if any, is or are then dead, or for whose life that of some other person has been exchanged by virtue of the proviso herein-after contained, and in case of a lease for years setting forth for what term of years the last preceding lease of the same premises was granted, and how much of such term has then expired, and how much

much remains to come and unexpired, every such recital or statement shall, so far as relates to the validity of the lease so to be granted as aforesaid, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated.

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astical
Leases
Restriction.*

III. And be it further enacted, that if any person shall execute any such lease, or any counterpart thereof, knowing such recital or statement, or any part thereof, to be false, or shall wilfully introduce or cause to be introduced, or aid or assist in introducing, any such recital or statement into any such lease, knowing the same or any part thereof to be false, or shall prepare or ingross, or cause to be prepared or ingrossed, any lease or counterpart of a lease containing any such false recital or statement as aforesaid, knowing the same or any part thereof to be false, every person so offending shall be deemed and taken to be guilty of a misdemeanor; and every person so offending shall, in addition to any punishment to which he may be liable, forfeit and pay to any person suing for the same the full sum of five hundred pounds, or, at the option of such person, five years improved annual value of the hereditaments comprised in such lease.

Penalty on persons introducing recitals into lease, knowing the same to be false.

IV. Provided nevertheless, and be it enacted, that in cases where it shall be certified in manner herein-after mentioned that for ten years now last past it hath been the usual practice (such practice having in the case of a corporation sole commenced prior to the time of the person for the time being representing such corporation) to renew such leases for forty, thirty, or twenty-one years respectively, at shorter periods than fourteen, ten, or seven years respectively, nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian from granting a renewed lease conformably to such usual practice; provided that such usual practice shall be made to appear to the satisfaction of the archbishop of the province in the case of a lease granted by such archbishop or by a bishop, and in

Ecclesiastical person may grant certain leases conformable to usual practice.

*Ecclesi-
astical
Leases
Restriction.*
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the case of a lease granted by any other corporation or person to the satisfaction of such archbishop, and also of the bishop having jurisdiction over such corporation or person, and shall before the granting of such lease be certified in writing under the hand of the archbishop in the one case, and of the archbishop and bishop in the other case; the certificate so signed by an archbishop only to be afterwards deposited in the registry of such archbishop, and the certificate so signed by an archbishop and also by a bishop to be afterwards deposited in the registry of such bishop, which certificate shall be conclusive evidence of the facts thereby certified.

Not to pre-
vent eccle-
siastical
persons
effecting
exchanges,
under cer-
tain con-
ditions.

V. Provided also, and be it enacted, that nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian from exchanging any life or lives in being, for which any lease shall have been granted as aforesaid, and accordingly granting any renewed lease with a view to effectuate such exchange of a life or lives; provided that the same shall be approved of (in the case of an archbishop) by His Majesty in council, or (in the case of a bishop) by the archbishop of the province, or (in the case of any inferior corporation or person) by the archbishop of the province and bishop of the diocese; such approbation, when required to be given by His Majesty in council, to be testified by the president of the council certifying on the renewed lease to be granted as aforesaid such approbation, and in all other cases to be testified by the person or persons whose approval is hereby required certifying on such renewed lease his or their approbation of the same.

Not to pre-
vent grants
under acts
of parlia-
ment;

VI. Provided also, and be it enacted, that nothing in this act contained shall prevent any grants or renewals of leases which may have been authorized by acts of parliament specially relating to the particular estates demised by such leases.

nor for
same term
as preced-
ing leases.

VII. Provided also, and be it enacted, that nothing in this act contained shall prevent a lease from being granted, with a view to confirm any title or otherwise, for the life

or

or lives of the same person or persons or for the lives or life of the survivors or survivor of them, or for the same term of years, and commencing at the same period, as the lease last granted for a life or lives or a term of years respectively.

*Ecclesi-
astical
Leases
Restriction.*
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VIII. Provided also, and be it enacted, that no lease not authorized by the laws and statutes now in force shall be rendered valid by any thing in this act contained.

Act not to
render valid
illegal
leases.

IX. And be it enacted, that if any lease contrary to this act shall have been granted since the first day of March in the year one thousand eight hundred and thirty-six, or shall be granted after the passing of this act, every such lease shall be void to all intents and purposes whatsoever: Provided always, that nothing in this act contained shall be deemed or taken to affect any lease granted or to be granted pursuant to any covenant or agreement entered into previously to the first day of March one thousand eight hundred and thirty-six.

Leases con-
trary to this
act void.

X. And be it further enacted, that nothing in this act contained shall be deemed or taken to extend to Ire-land.

Act not to
extend to
Ireland.

XI. And be it further enacted, that this act may be altered or amended by any act during this present session of parliament.

Act may be
altered this
session.

*Ecclesi-
astical
Leases
Restriction.*

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

C A P. LXIV.

An Act to explain and amend an Act passed in this present Session of Parliament for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.
[13th August 1836.]

6 W. 4. c. 20.

WHEREAS by an act passed in this present session of parliament, intituled “An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons,” it is amongst other things enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian should thereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, such lease should contain such recital or statement as therein mentioned, every such recital or statement should, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated; and it is thereby further enacted, that if any lease contrary to the said act should have been granted since the first day of March in this present year, or should be granted after the passing of the said act, every such lease should be void to all intents and purposes: And whereas doubts have been entertained whether leases granted since the said first day of March in this year, or to be hereafter granted, by any archbishop, bishop, ecclesiastical corporation

corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian, and which do not contain such recital or statement as aforesaid, are not made absolutely void by the aforesaid enactment ; and it is expedient that all such doubts should be removed : Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no lease granted or to be hereafter granted by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian, shall be deemed or taken to be void under the provisions of the said act by reason only of its not containing such recital or statement as therein mentioned ; provided always, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master, or guardian shall hereafter grant any renewed lease of any manor, messuage, land, tithes, or hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, and such lease shall contain such recital or statement as in the said act is mentioned, every such recital or statement shall, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited.

*Ecclesi-
astical
Leases
Restriction.*

*Leases
granted by
spiritual
persons
under the
provisions
of the re-
cited act
not void by
reason of
not contain-
ing such
recital as is
mentioned.*

13 § 74 V C § 8 to amend the
law relating to the holding of benefices
in plurality

1. No person shall hold two benefices except where
the churches are within 3 miles of one another
by the nearest road & the annual value
of one does not exceed £200

2. In restraint in respect of population contained
in 1 § 2 Act continued.

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

C A P. CVI.

*An Act to abridge the holding of Benefices in Plurality,
and to make better Provision for the Residence of the
Clergy.* [14th August 1838.]

WHEREAS an act was passed in the twenty-first year of the reign of King Henry the Eighth, intituled
 “ An Act that no Spiritual Persons shall take to ferm of 21 H. 8.
 “ the King, or any other Person, any Lands or Tenements c. 13.
 “ for Term of Life, Lives, Years, or at Will, &c. ; and
 “ for Pluralities of Benefices ; and for Residence,” the
 whole of which recited act (excepting only such parts as
 relate to pluralities of benefices) has since been repealed
 by an act passed in the fifty-seventh year of the reign of
 King George the Third, intituled “ An Act to consolidate 57 G. 3.
 “ and amend the Laws relating to Spiritual Persons c. 99.
 “ holding of Farms ; and for enforcing the Residence of
 “ Spiritual Persons on their Benefices ; and for the
 “ Support and Maintenance of Stipendiary Curates in
 “ England :” And whereas it is expedient to consolidate
 and amend the said Laws, and to restrain the holding of
 pluralities, and to make further provision for enforcing
 the residence of spiritual persons upon their benefices,
 and to limit the exemptions from such residence ; and
 also to make further provision respecting the appointment
 and support of stipendiary curates in England : Be it
 therefore enacted by the Queen’s most Excellent Majesty,
 by and with the advice and consent of the lords spiritual
 and

Both acts
now wholly
repealed ;
saving as to
penalties
already
incurred,
or licences
already
granted.

and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said recited acts as is now in force shall be and the same is hereby repealed, save and except only such part of the said last-recited act as repeals certain acts and parts of acts therein particularly recited ; provided always, that nothing herein contained shall exempt any person from any penalties incurred under the said last-recited act before the time of passing this act, to take away or affect any proceedings for recovery thereof, whether commenced or not before the passing of this act, or shall annul or abridge any licence granted under the provisions of the said last-recited act before the time of passing this act.

Not more
than two
preferments
to be held
together ;

II. And be it enacted, that from and after the passing of this act no spiritual person holding more benefices than one shall accept and take to hold therewith any cathedral preferment or any other benefice ; and that no spiritual person holding any cathedral preferment and also holding any benefice shall accept and take to hold therewith any other cathedral preferment or any other benefice ; and that no spiritual person holding any preferment in any cathedral or collegiate church shall accept and take to hold therewith any preferment in any other cathedral or collegiate church ; any law, canon, custom, usage, or dispensation to the contrary notwithstanding : Provided that nothing herein-before contained shall be construed to prevent any archdeacon from holding, together with his archdeaconry, two benefices, under the limitations herein-after mentioned with respect to distance, joint yearly value, and population, and one of which benefices shall be situate within the diocese of which his archdeaconry forms a part, or one cathedral preferment in any cathedral or collegiate church of the diocese of which his archdeaconry forms a part, and one benefice situate within such diocese, or to prevent any spiritual person holding any cathedral preferment, with or without a benefice, from holding therewith any office in the same cathedral or collegiate church the duties of which are statutably or
accus-

accustomably performed by the spiritual persons holding such preferment.

III. And be it enacted, that, except as herein-after provided, no spiritual person holding any benefice shall accept and take to hold therewith any other benefice, unless it shall be situate within the distance of ten statute miles from such first-mentioned benefice.

nor two benefices, unless within ten miles of each other ;

IV. And be it enacted, that, except as herein-after provided, no spiritual person holding a benefice with a population of more than three thousand persons shall accept and take to hold therewith any other benefice having, at the time of his admission, institution, or being licensed thereto, a population of more than five hundred persons; nor shall any spiritual person holding a benefice with a population of more than five hundred persons accept and take to hold therewith any other benefice having, at the time of his admission, institution, or being licensed thereto, a population of more than three thousand persons; nor shall any spiritual person hold together any two benefices, if, at the time of his admission, institution, or being licensed to the second benefice, the value of the two benefices jointly shall exceed the yearly value of one thousand pounds.

nor if population of one such benefice is more than 3,000, or joint yearly value shall exceed 1,000*l*.

V. And be it enacted, that in case the bishop or bishops, as the case may be, to whom any two benefices within the distance of ten miles from each other shall respectively be subject, which, under the provision herein-before contained, might not be holden together, but one of which benefices shall be below the yearly value of one hundred and fifty pounds, and the population of which shall exceed two thousand persons, shall think it expedient that the incumbent of one of such benefices should be permitted to hold the said two benefices together, the said bishop or bishops shall be at liberty, upon application made to him or them for that purpose by such incumbent, to state in writing under his or their hand or hands the reason why such benefices should be holden together, and in such case it shall be lawful for the said incumbent to hold

If yearly value of one of said benefices be less than 150*l*., and the population shall exceed 2,000 persons, the two may be held jointly, after statement of reasons by the bishop.

Proviso as to residence on larger parish.

hold the said two benefices together: Provided always, that in the last-mentioned case the bishop of the diocese within which such benefice having a population exceeding two thousand persons is situate may from time to time, if he shall so think fit, by an order under his hand and revocable at any time, require that such incumbent should keep residence on and personally serve such benefice during the space of nine months in each year; and if such incumbent shall not, in obedience to the terms of such order, and until the same be revoked, reside on and personally serve such benefice, he shall be liable to all the penalties for non-residence imposed by this act, notwithstanding he may have a legal exemption, permanent or temporary from residence, or may be resident on some other benefice of which he may be possessed, or may be performing the duties of an office, and the performance of the duties of which might in other cases be accounted as residence on some benefice: Provided always, that such spiritual person may, within one month after service upon him of any such order, appeal to the archbishop of the province, who shall confirm or rescind such order as to him may seem just and proper.

Licence or dispensation to hold together any two benefices must be obtained from the archbishop of Canterbury.

VI. Provided always, and be it enacted, that before any spiritual person shall be allowed to hold any two benefices together under any provision of this act it shall be necessary for such person to obtain from the archbishop of Canterbury for the time being a licence or dispensation for the holding thereof, which licence or dispensation the said archbishop is hereby empowered to grant under the seal of his office of faculties, upon being satisfied as well of the fitness of the person as of the expediency of allowing such two benefices to be holden together, and that such licence or dispensation shall issue in such manner and form as the said archbishop shall think fit; and for such licence or dispensation there shall be paid to the registrar of the said office the sum of thirty shillings and no more, and to the seal keeper thereof the sum of two shillings and no more; and that no stamp duty, nor any

any other fee, save as herein-before mentioned, shall be payable on the licence or dispensation to be granted as aforesaid, nor shall any confirmation thereof be necessary; nor shall it be required of any spiritual person applying for any such licence or dispensation to give any caution or security by bond or otherwise before such licence or dispensation is granted; and if the said archbishop of Canterbury shall refuse or deny to grant any such licence or dispensation as aforesaid, it shall be lawful for Her Majesty, if She, by the advice of Her privy council, shall think fit, upon application by the person to whom such licence or dispensation shall have been refused or denied, to enjoin the said archbishop to grant such licence or dispensation, or to show to Her Majesty in council sufficient cause to the contrary, and thereupon to make such order touching the refusal or grant of such licence or dispensation as to Her Majesty in council shall seem fit; and such order shall be binding upon the archbishop.

*Pluralities
and
Residence.*
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VII. And be it further enacted, that where any spiritual person shall be desirous of obtaining a licence or dispensation for holding together any two benefices such spiritual person shall, previously to applying for the grant of such licence or dispensation, deliver to the bishop of the diocese where both benefices are situate in the same diocese, or to the bishops of the two dioceses where such benefices are situate in different dioceses, a statement in writing under his hand, verified as such bishop or bishops respectively may require, according to a form or forms to be promulgated from time to time by the archbishop of Canterbury and approved by the Queen in council, in which statement such spiritual person shall set forth, according to the best of his belief, the yearly income arising from each of the said benefices, separately, on an average of the three years ending on the twenty-ninth day of September next before the date of such statement, and the sources from which such income is derived, and also the yearly amount, on an average of the same period of three years, of all taxes, rates, tenths, dues, and other permanent

A statement of certain particulars to be made by every spiritual person to the bishop of the diocese previous to application for a licence or dispensation.

*Pluralities
and
Residence.*
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Bishop may make inquiry as to the accuracy of statement.

Bishop to transmit a certificate to the archbishop of Canterbury, setting forth copy of the statement made to the bishop and other particulars.

How annual value of two benefices to be held together by dispensation to be estimated.

permanent charges and outgoings to which the same benefices are respectively subject, and also the amount of the population of each of the said benefices, to be computed according to the last returns made under the authority of parliament, and also the distance between the two benefices, to be computed according to the directions of this act; and it shall be lawful for the bishop to whom such statement shall be delivered to make any inquiry which he may think right as to the correctness of the same in respect to the benefices or benefice within his diocese; and such bishop is hereby required, within the space of one month after he shall have received such statement as aforesaid, to transmit to the archbishop of Canterbury a certificate under his hand, in which certificate such bishop shall set forth or shall annex thereto a copy of the statement delivered to him as aforesaid, and shall thereby certify the amount at which he considers that the annual value and the population of each of the two benefices (where both benefices are situate in the same diocese) and the distance of the said two benefices from each other, or the amount at which he considers the annual value and the population of the benefice within the diocese of such bishop (where the two benefices are situate in different dioceses) and the distance of such benefice from the other benefice, ought to be taken, with respect to the licence or dispensation in question; and whenever both or either of the benefices shall be in the diocese or jurisdiction of the archbishop of Canterbury, a certificate shall be made out in manner aforesaid by the archbishop, and shall be retained by him.

VIII. And be it further enacted, that in estimating the annual value of any benefice for the purpose of any such certificate as aforesaid it shall be lawful for the archbishop or bishop by whom such certificate shall be made, and every such archbishop and bishop is hereby directed, to deduct from the gross amount of the yearly income arising from such benefice all taxes, rates, tenths, dues, and other permanent charges and outgoings to which such benefice shall be subject, but not to deduct

or

or allow for any stipend or stipends to any stipendiary curate or curates, nor for such taxes or rates in respect of the house of residence on any benefice or of the glebe land belonging thereto as are usually paid by tenants or occupiers, nor for monies expended in the repair or improvement of the house of residence and buildings and fences belonging thereto.

*Pluralities
and
Residence.*
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IX. And be it further enacted, that the certificate or certificates to be transmitted to or retained by the archbishop of Canterbury as aforesaid shall be deposited in the said office of faculties, and in the event of the required licence or dispensation being granted shall for the purposes of this act be conclusive evidence of the annual value and population of each of the benefices to which the same shall relate, and of their distance from each other; and the registrar of the faculties shall and he is hereby required to produce such certificate or certificates to any person who may require to inspect the same.

Certificate to be deposited in office of faculties; and be conclusive evidence of value, population, and distance.

X. And be it further enacted, that for all the other purposes of this act the annual value of all benefices shall be the net annual value thereof, to be estimated in the same manner as is herein-before directed for the purpose of any such certificate as aforesaid; and that it shall be lawful for the court before whom any suit shall be depending for the recovery of any penalty or forfeiture under this act, and for any bishop acting under any of the provisions of this act, to make or cause to be made such inquiries and call for such evidence as such court or bishop shall think fit, and otherwise to proceed upon the best information which such court or bishop may be able to procure for estimating in manner aforesaid the annual value of any benefice; and with respect to the same, the decision of such court or of such bishop, founded on such evidence or other information, shall be final and conclusive, save when appealed from in due course of law.

In other cases how annual value to be estimated.

XI. And be it enacted, that if any spiritual person, holding any cathedral preferment or benefice, shall accept any

Acceptance of preferment contrary to this

act vacates
the former
preferment.

any other cathedral preferment or benefice, and be admitted, instituted, or licensed to the same contrary to the provisions of this act, every cathedral preferment or benefice so previously held by him shall be and become ipso facto void, as if he had died or had resigned the same, any law, statute, canon, usage, custom, or dispensation to the contrary notwithstanding; and if any spiritual person holding any two or more benefices shall accept any cathedral preferment, or any other benefice, or if any spiritual person holding two or more cathedral preferments shall accept any benefice, or if any spiritual person holding any cathedral preferment or preferments, and benefice or benefices, shall accept another benefice, he shall, before he is instituted, licensed, or in any way admitted to the said cathedral preferment or benefice, in writing under his hand declare to the bishop or bishops within whose diocese or dioceses any of the cathedral preferments or benefices previously holden by him are situate, which cathedral preferment and benefice, or which two benefices, (such two benefices being tenable together under the provisions of this act,) he proposes to hold together, and a duplicate of such declaration shall by such spiritual person be transmitted to the registry of the diocese, and be there filed; and immediately upon any such spiritual person being instituted, licensed, or in any way admitted to the cathedral preferment or benefice which he shall have accepted as aforesaid, such cathedral preferment or preferments, benefice or benefices as he previously held, and as he shall not as aforesaid have declared his intention to hold, or such benefice as shall not be tenable under the provisions of this act with such newly-accepted benefice, shall be and become ipso facto void, as if he had died or had resigned the same; and if such spiritual person shall in any such case refuse or wilfully omit to make such declaration as aforesaid, every cathedral preferment and benefice which he previously held shall be and become ipso facto void as aforesaid: Provided always, that nothing herein contained shall be construed to affect the provision herein-before made with

respect to archdeacons, or with respect to spiritual persons holding, with any cathedral preferment, and with or without a benefice, offices in the same cathedral or collegiate church.

*Pluralities
and
Residence.*
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XII. And be it enacted, That nothing herein-before contained shall be construed to prejudice or affect the right of possession in any cathedral preferment or benefice to which any spiritual person shall have been collated, admitted, instituted, or licensed, or which shall have been otherwise granted to any spiritual person before the passing of this act, unless he shall after the passing of this act accept or take some cathedral preferment or benefice contrary to the provisions of this act.

*Present
rights of
possession
saved.*

XIII. And be it enacted, that nothing in this act contained shall be construed to prevent any spiritual person possessed of one or more than one benefice at the time of the passing of this act, and to whom or in trust for whom the advowson of or the next presentation or nomination to any other benefice has been conveyed, granted, or devised by any deed or will made before the twenty-third day of December one thousand eight hundred and thirty-seven, from taking the said last-mentioned benefice, and holding together such benefice and any one such first-mentioned benefice (although the benefices to be held together be not within the limits nor under the joint yearly value, nor the population thereof under the amount, prescribed by this act), but so nevertheless that the said two benefices be such as might have been held together before the passing of this act by dispensation duly granted and confirmed; and the bishop of the diocese in which such second or other benefice is situate shall and may, after a licence or dispensation shall have been obtained by such spiritual person as is by this act required for holding two benefices together, admit, institute, or licence such spiritual person thereto, any thing herein contained to the contrary notwithstanding; unless such spiritual person, after the passing of this act, and before he shall be so admitted, instituted, or licensed to such second or other benefice as aforesaid, shall have

*Saving
of other
rights.*

*Pluralities
and
Residence.*
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Saving as
to former
chaplains to
the house of
commons.

accepted and taken any cathedral preferment or any other benefice, the holding of which with such second or other benefice would be contrary to the provisions of this act.

XIV. Provided also, and be it enacted, that nothing herein-before contained shall be construed to prevent the Reverend Frederick Vernon Lockwood, the Reverend Edward Repton, or the Reverend Temple Frere, formerly chaplains to the house of commons, from taking and holding with any benefice of which any of them was in possession at the time of the passing of this act any cathedral preferment, or any benefice which may be conferred on them or either of them by Her Majesty in consideration of their respective services as such chaplains, although any such benefices be not within the limits nor under the joint yearly value, nor the population thereof under the amount, prescribed by this act.

Acts
37 H. 8.
c. 21. and
17 C. 2. c. 3.
for uniting
churches,
repealed;

XV. And whereas it is expedient to alter and amend the provisions made by an act passed in the thirty-seventh year of the reign of King Henry the Eighth, intituled “An Act for the Union of Churches not exceeding the Value of Six Pounds;” and by another act passed in the seventeenth year of the reign of King Charles the Second, intituled “An Act for uniting Churches in Cities and Towns Corporate;” be it enacted, that the said last-recited acts shall be and the same are hereby repealed.*

and their
provisions
re-enacted
and ex-
tended.

XVI. And be it enacted, that whenever it shall appear to the archbishop of the province, with respect to his own diocese, and whenever it shall be represented to him by the bishop of any diocese, or by the bishops of any two dioceses, that two or more benefices, or that one or more benefice or benefices, and one or more spiritual sinecure rectory or rectories, vicarage or vicarages, in his or their diocese or dioceses, being either in the same parish or contiguous to each other, and of which the aggregate population shall not exceed one thousand five hundred persons, and the aggregate yearly value shall not exceed five hundred pounds, may with advantage to

* Sections 7 & 8 of 17 C. 2. c. 3. revived by 6 & 7 Vict. c. 37. § 25. p. 191.
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the interests of religion be united into one benefice, the said archbishop of the province shall inquire into the circumstances of the case; and if on such inquiry it shall appear to him that such union may be usefully made, and will not be of inconvenient extent, and that the patron or patrons of the said benefices, sinecure rectory or rectories, vicarage or vicarages respectively is or are consenting thereto, such consent being signified in writing under the hands of such patron or patrons, the said archbishop shall, six weeks before certifying such inquiry and consent to Her Majesty as herein-after directed, cause, with respect to his own diocese, a statement in writing of the facts, and in other cases a copy in writing of the aforesaid representation, to be affixed on or near the principal outer door of the church, or in some public and conspicuous place in each of such benefices, sinecure rectories, or vicarages, with notice to any person or persons interested that he, she, or they may, within such six weeks, show cause in writing under his, her, or their hand or hands to the said archbishop against such union, and if no sufficient cause be shown within such time the said archbishop shall certify the inquiry and consent aforesaid to Her Majesty in council, and thereupon it shall be lawful for Her Majesty in council to make and issue an order or orders for uniting such benefices, sinecure rectory or rectories, vicarage or vicarages, into one benefice, with cure of souls, for ecclesiastical purposes only; and it shall be lawful for Her Majesty in council to give directions for regulating the course and succession in which the patrons, if there be more than one patron, shall present or nominate to such united benefice from time to time as the same shall become vacant, and for determining, if such united benefice shall be in two dioceses, to which of such dioceses such benefice shall belong; and such order or orders shall be registered in the registry or registries of the diocese or respective dioceses to which such united benefice shall be determined to belong, and to which either or any of the united benefices, sinecure rectories,

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or vicarages shall have belonged when separate, which order or orders the registrar or registrars of such diocese or respective dioceses, immediately on the receipt thereof, are hereby required to register accordingly; and such order or orders shall thenceforth be binding on all parties whatsoever; and if at the time of the registration of such order or orders all the benefices, sinecure rectories, or vicarages ordered to be united shall not be holden by the same incumbent, then if any of such benefices, sinecure rectories, or vicarages shall at such time be vacant, and if not, then upon every avoidance, until all the said benefices, sinecure rectories, or vicarages but one shall come to be holden by the same incumbent, the patron of the vacant benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, shall be bound to present or nominate, and the bishop shall be bound to admit and institute or license, to the vacant benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, the incumbent of the other or one of the other benefices, sinecure rectory or rectories, vicarage or vicarages, so ordered to be united; and if both or all, as the case may be, shall be holden by the same incumbent at the time of the registration of such order or orders, or all but one of the said benefices, sinecure rectories, or vicarages shall at such time be vacant, then immediately, or otherwise on the first avoidance of either or any of such benefices, sinecure rectories, or vicarages, after all but one shall have come to be holden by the same incumbent, the said benefices, sinecure rectory or rectories, vicarage or vicarages shall become permanently united together, and shall be and be deemed and taken to be one benefice, with cure of souls, to all intents and purposes, unless and until the same shall be afterwards disunited in the manner herein-after enacted: Provided always, that notwithstanding any such union the parishes or places of which such united benefice shall consist shall continue distinct as to all secular rates, taxes, charges, duties, and privileges, and in all other respects except as herein-before specified.

XVII. And

XVII. And be it enacted, that when it shall further appear to the archbishop of the province, with respect to his own diocese, or it shall be further represented to him by the bishop of any other diocese, that the total income of any benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, proposed to be united as aforesaid, would be larger than sufficient for the due maintenance and support of the incumbent of the benefice when united, and that the whole or some specified part or parts of the glebe lands, tithes, rent-charges, tenements, and hereditaments belonging to the benefice or benefices, sinecure rectory or rectories, vicarage or vicarages proposed to be united, or any of them, might and could, with advantage to the interests of religion, be excepted out of such union, and be exchanged for certain other lands, tithes, tenements, and hereditaments, or any of them, in some other specified benefice situate in the same diocese, and having no competent provision belonging thereto, and that the lands, tithes, tenements, or hereditaments proposed to be given in exchange for such excepted lands, tithes, rent-charges, tenements, or hereditaments might with like advantage be granted, conveyed, and assured as a further perpetual endowment for the incumbent of such last-mentioned benefice, and that the patron or patrons of the said benefice or benefices, sinecure rectory or rectories, vicarage or vicarages respectively, and the incumbent or incumbents for the time being thereof respectively, or of such thereof as shall not be then vacant, and the owner or owners, impropiator or impropiators of such lands, tithes, tenements, or hereditaments respectively so proposed to be given in exchange is or are consenting thereto, such consent to be signified in writing under their respective hands, it shall be lawful for the said archbishop, after inquiring into such further matter, to certify in like manner as aforesaid such further circumstances to Her Majesty in council, and thereupon it shall be lawful for Her Majesty, in and by such order as aforesaid, or any other order or orders, to direct that such first-mentioned lands, tithes, rent-charges, tenements,

Glebe lands, &c. may in certain cases be excepted out of any united benefice to augment the provision for any other adjoining poor benefice by an exchange in such manner that the augmentation shall be situate within the limits of such other benefice.

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and hereditaments shall be excepted out of such united benefice, and be granted, conveyed, and assured unto such owner or owners, impropriator or impropriators as aforesaid, in exchange for an equal value of lands, tithes, tenements, or other hereditaments situate or arising within the limits of such benefice, to be by such owner or owners, impropriator or impropriators, granted, conveyed, and assured for the further endowment of such other benefice; and such order or orders shall be registered in the register of the diocese to which such united benefice and other benefice shall belong, and which order or orders the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly, and such order or orders shall thenceforth be binding on all parties whatsoever; and such lands, tithes, tenements, and hereditaments, so directed to be granted, conveyed, and assured to such owner or owners, impropriator or impropriators as aforesaid, shall, immediately upon and after the execution and inrolment in manner herein-after directed of the deed or deeds, instrument or instruments herein-after mentioned, be for ever freed and discharged of and from all estate, right, title, and interest whatsoever of all and every the incumbent or incumbents for the time being of the said benefices, sinecure rectory or rectories, vicarage or vicarages so to be united, and become and be subject and liable in every respect to all and singular the uses, trusts, estates, and charges of or to which the lands, tithes, rent-charges, tenements, or other hereditaments so granted, conveyed, or assured by such owner or owners, impropriator or impropriators, for such further endowment as aforesaid, may at the time of such execution have been subject or liable; and that such last mentioned lands, tithes, rent-charges, tenements, or other hereditaments, so granted, conveyed, and assured by such owner or owners, impropriator or impropriators, for such further endowment as aforesaid, shall in like manner become and be for ever annexed to such other benefice for the further endowment of which the same shall be so granted, conveyed, and assured, and be held
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and enjoyed for ever by the incumbent for the time being thereof, as part of the endowment thereof, freed and discharged of and from all uses, trusts, estates, and charges whatsoever to which the same respectively or any part thereof were or was before subject or liable.

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XVIII. Provided always, and be it further enacted, that all such grants, conveyances, and assurances as aforesaid shall be made by a deed or deeds, instrument or instruments in writing, under the hand and seal or hands and seals of the patron or patrons of the benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, affected thereby, and of the owner or owners, impropriator or impropriators of the lands, tithes, tenements, and hereditaments so to be given in exchange as aforesaid; and the bishop of the diocese for the time being shall testify his approval thereof by being a party and affixing his episcopal seal thereto; and the incumbent or incumbents for the time being of such of the said benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, as shall not be then vacant, shall testify his or their approval by being a party or parties to and signing the same respectively, and shall be the party or parties by whom the grant, conveyance, and assurance to be made or executed to such owner or owners, impropriator or impropriators as aforesaid shall be made and executed; and such deed or deeds, instrument or instruments in writing, shall be enrolled in Her Majesty's high court of Chancery within six calendar months after the execution thereof respectively, or else have no operation under this act.

Such conveyances in exchange to be by deed in writing, under the hands and seals of all parties interested, to be enrolled in Chancery.

XIX. Provided always, and be it enacted, that the approval of the said bishop, testified as aforesaid, shall be conclusive that the lands, tithes, rent-charges, tenements, and hereditaments so to be granted, conveyed, and assured under or by virtue of the provisions aforesaid were respectively of the proper value required by this act, and were respectively granted, conveyed, and assured in due accordance with the provisions aforesaid.

Approval of bishop of the diocese.

No union
except
under this
act.

XX. Provided also, and be it enacted, that from and after the passing of this act it shall not be lawful to unite two or more benefices into one benefice in any other form or manner or under any other circumstances than is herein-before provided ; and that if any such union shall be made in any other form or manner or under any other circumstances than as it is herein-before provided, the same shall be void to all intents and purposes whatsoever ; any statute, law, canon, custom, or usage to the contrary notwithstanding.

Provisions
for partly
disuniting
united
benefices.

XXI. And whereas from the increase of population, or from other circumstances, it may be expedient that two or more benefices which have been heretofore united or which may be hereafter united under the provisions of this act should be disunited ; be it enacted, that when two or more benefices shall have been united or may be hereafter united into one benefice, and, with respect to his own diocese, it shall appear to the archbishop of the province, or the bishop of any diocese shall represent to the said archbishop of the province, that one or more of the benefices within his diocese of which such united benefice shall consist may be separated therefrom with advantage to the interests of religion, the said archbishop shall inquire into the circumstances of the case, and if on such inquiry it shall appear to him that such union may be usefully dissolved, so far as respects such benefice or benefices, he shall, six weeks at least before certifying such inquiry to Her Majesty as herein-after directed, cause with respect to his own diocese a statement in writing of the facts and in all other cases a copy in writing of the aforesaid representation to be affixed on or near the principal outer door of the church or in some public and conspicuous place in each of the benefices forming part of the united benefice, with notice to any person or persons interested that he, she, or they may within such six weeks show cause in writing under his, her, or their hands to the said archbishop against any such disunion ; and if no sufficient cause be shown within such time the
archbishop

archbishop shall certify the inquiry and consent, when the patron's consent is necessary, to Her Majesty in council, and thereupon it shall be lawful for Her Majesty to issue an order for separating such last-mentioned benefice or benefices from such united benefice, and for declaring the rights of patronage of the several patrons if there be more than one patron, and such order shall be registered in the registry of the diocese to which such united benefice shall belong, which order the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly; and thereupon immediately, if such united benefice shall be then vacant, otherwise on the first avoidance thereof, such union shall be ipso facto dissolved so far only as regards such benefice or benefices so proposed to be separated from such united benefice, but in all other respects shall remain in full force and effect, and thenceforward such last-mentioned benefice or benefices shall be and be deemed and taken to be a separate and distinct benefice or benefices to all intents and purposes whatever as if no such union had taken place, and the patron or patrons thereof shall and may according to the terms of such order present or nominate thereto respectively, and so from time to time upon each and every avoidance of the same: Provided always, that no benefices which have been united for more than sixty years before the passing of this act shall be disunited without the consent in writing of the patron or patrons thereof.

XXII. And be it enacted, that in any case in which Her Majesty in council shall have issued any such order as aforesaid for separating one or more benefices from such united benefice it shall be lawful for the incumbent thereof, if such united benefice shall be full at the time of issuing such order, to resign the benefice or benefices so proposed to be separated as aforesaid from such united benefice; and thereupon it shall be lawful for the respective patron or patrons of such last-mentioned benefice or benefices to present or nominate thereto, in the same

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same manner as if such united benefice had been vacant at the time of issuing such order.

Portion of glebe, &c. may be assigned to each of the dissevered benefices ;

XXIII. And be it enacted, that whenever two or more benefices which have at any time been united into one benefice shall be disunited and become separate benefices under the provisions of this act, whether the order for disunion shall extend to the whole number of benefices of which such united benefice consisted, or to one or more of such benefices only, it shall be lawful for Her Majesty in council, on the recommendation of the archbishop of the province, with the consent of the patron or patrons of such benefices respectively (such consent to be signified in writing under the hands of such patron or patrons), to assign and attach such portion of the glebe lands, tithes, moduses, rent-charges, or other endowments or emoluments belonging to or arising or accruing within the limits of such united benefice to each of such benefices respectively, as to Her Majesty in council shall seem fit, notwithstanding such proportion of glebe land, tithes, rent-charges, moduses, or other endowments or emoluments, or any part thereof, may not arise or accrue within the limits of the benefice to which the same shall be so assigned and attached as aforesaid, or may not have belonged thereto, and also to divide and apportion between such benefices all such charges and outgoings as before the disunion thereof were imposed upon the whole united benefice, and in the case of mortgages with the consent of the mortgagees in writing under their hands and seals.

and shall belong to the incumbent.

XXIV. And be it enacted, that all such lands, tithes, rent-charges, moduses, or other endowments or emoluments, when so assigned and attached as aforesaid, shall belong to, and the same and the rents and profits thereof shall be recoverable by, the incumbent of the benefice to which the same shall have been so assigned and attached.

More than one house may be provided in

XXV. And whereas by an act passed in this present session of parliament, intituled " An Act to amend the " Law for providing fit Houses for the beneficed Clergy," provision

provision is made in certain cases for selling the residence house and appurtenances belonging to any benefice together with a certain portion of land contiguous thereto, and for applying the proceeds of such sale to the erection or purchase of some house, or the purchase of an orchard, garden, or land for the residence and occupation of the incumbent of such benefice : And whereas it may happen that in the case of benefices disunited under the provisions of this act, or divided or separately endowed under the provisions of two acts passed in the fifty-eighth year and in the fifty-ninth year of His Majesty King George the Third, for building and promoting the building of additional churches in populous parishes, and for amending and rendering more effectual the said act, the existing benefice house may be inconveniently situated for any one of such disunited parishes, or of the divisions of such divided benefices, or may be on too large and expensive a scale to be conveniently maintained by the incumbent of any such disunited or divided benefice ; be it enacted, that all the provisions of the said recited act of this present session relating to the sale of the house, gardens, orchards, appurtenances, or land attached to any benefice, and the application of the proceeds of such sale, shall be and be deemed applicable to the case of any benefice divided or separately endowed under the provisions of the said acts, or either of them, of His Majesty King George the Third, and of any benefice disunited under the provisions of this act ; and that the proceeds of such sale may be applied and disposed of by the governors of the bounty of Queen Anne in and towards the erection or purchase of such and so many houses, or in and towards the purchase of so many gardens or appurtenances, or of so much land as shall be required for the residence of an incumbent, within each of the parishes so disunited, or each of the divisions of the benefices so divided, in such proportions within each such benefice respectively as shall be approved by the archbishop of the province, with the consent of the patron and ordinary, and (if the benefice be full) of the incumbent of the benefice, such consents

to

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58 G. 3.
c. 45.
59 G. 3.
c. 134.

to be signified in writing under their respective hands, and shall be confirmed by Her Majesty in council.

Provisions
for annex-
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places to the
contiguous
parishes, or
making
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XXVI. And whereas in some instances tithings, hamlets, chapelries, and other places or districts may be separated from the parishes or mother churches to which they belong with great advantage, and places altogether extra-parochial may in some instances with advantage be annexed to parishes or districts to which they are contiguous, or be constituted separate parishes for ecclesiastical purposes; be it enacted, that when, with respect to his own diocese, it shall appear to the archbishop of the province, or when the bishop of any diocese shall represent to the said archbishop, that any such tithing, hamlet, chapelry, place, or district within the diocese of such archbishop, or the diocese of such bishop, as the case may be, may be advantageously separated from any parish or mother church, and either be constituted a separate benefice by itself or be united to any other parish to which it may be more conveniently annexed, or to any other adjoining tithing, hamlet, chapelry, place, or district, parochial or extra-parochial, so as to form a separate parish or benefice, or that any extra-parochial place may with advantage be annexed to any parish to which it is contiguous, or be constituted a separate parish for ecclesiastical purposes; and the said archbishop or bishop shall draw up a scheme in writing (the scheme of such bishop to be transmitted to the said archbishop for his consideration), describing the mode in which it appears to him that the alteration may best be effected, and how the changes consequent on such alteration in respect to ecclesiastical jurisdiction, glebe lands, tithes, rent-charges, and other ecclesiastical dues, rates, and payments, and in respect to patronage and rights to pews, may be made with justice to all parties interested; and if the patron or patrons of the benefice or benefices to be affected by such alterations shall consent in writing under his or their hands to such scheme, or to such modification thereof as the said archbishop may approve, and the said archbishop shall, on full consideration and inquiry, be satisfied

satisfied with any such scheme or modification thereof, and shall certify the same and such consent as aforesaid, by his report to Her Majesty in council, it shall be lawful for Her Majesty in council to make an order for carrying such scheme, or modification thereof, as the case may be, into effect; and such order, being registered in the registry of the diocese, which the registrar is hereby required to do, shall be forthwith binding on all persons whatsoever, including the incumbent or incumbents of the benefice or benefices to be affected thereby, if he or they shall have consented thereto in writing under his or their hands; but if such incumbent or incumbents shall not have so consented thereto the order shall not come into operation until the next avoidance of the benefice by the incumbent objecting to the alteration, or by the surviving incumbent objecting, if more than one shall object thereto; and in such case the order shall forthwith, after such avoidance, become binding on all persons whatsoever.

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XXVII. And whereas the changes effected by virtue of the provisions aforesaid for uniting or disuniting benefices, and for altering the contents of parishes, may, when the orders for those purposes respectively come into operation, raise doubts and create disputes not foreseen at the time when such orders may have been made respecting ecclesiastical jurisdiction, glebe lands, tithes, rent-charges, and other ecclesiastical dues, rates, and payments, patronage, right to pews, and the definition of local boundaries; be it enacted, that it shall be lawful for Her Majesty in council, at any time within five years after such orders respectively shall come into full operation, if occasion shall arise, to make a supplemental order for removing such doubts and settling such disputes; and every such supplemental order shall have the same force and effect as if it had formed part of the original order made under the provisions of this act: Provided always, that in every case in which the contents of parishes shall be so altered such alteration shall not in any way affect the secular rates, taxes, charges, duties, or privileges of such parishes, or of any part of them.

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XXVIII. And

to be signified in writing under their respective hands, and shall be confirmed by Her Majesty in council.

Provisions
for annex-
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places to the
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parishes, or
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XXVI. And whereas in some instances tithings, hamlets, chapelries, and other places or districts may be separated from the parishes or mother churches to which they belong with great advantage, and places altogether extra-parochial may in some instances with advantage be annexed to parishes or districts to which they are contiguous, or be constituted separate parishes for ecclesiastical purposes; be it enacted, that when, with respect to his own diocese, it shall appear to the archbishop of the province, or when the bishop of any diocese shall represent to the said archbishop, that any such tithing, hamlet, chapelry, place, or district within the diocese of such archbishop, or the diocese of such bishop, as the case may be, may be advantageously separated from any parish or mother church, and either be constituted a separate benefice by itself or be united to any other parish to which it may be more conveniently annexed, or to any other adjoining tithing, hamlet, chapelry, place, or district, parochial or extra-parochial, so as to form a separate parish or benefice, or that any extra-parochial place may with advantage be annexed to any parish to which it is contiguous, or be constituted a separate parish for ecclesiastical purposes; and the said archbishop or bishop shall draw up a scheme in writing (the scheme of such bishop to be transmitted to the said archbishop for his consideration), describing the mode in which it appears to him that the alteration may best be effected, and how the changes consequent on such alteration in respect to ecclesiastical jurisdiction, glebe lands, tithes, rent-charges, and other ecclesiastical dues, rates, and payments, and in respect to patronage and rights to pews, may be made with justice to all parties interested; and if the patron or patrons of the benefice or benefices to be affected by such alterations shall consent in writing under his or their hands to such scheme, or to such modification thereof as the said archbishop may approve, and the said archbishop shall, on full consideration and inquiry, be satisfied

satisfied with any such scheme or modification thereof, and shall certify the same and such consent as aforesaid, by his report to Her Majesty in council, it shall be lawful for Her Majesty in council to make an order for carrying such scheme, or modification thereof, as the case may be, into effect; and such order, being registered in the registry of the diocese, which the registrar is hereby required to do, shall be forthwith binding on all persons whatsoever, including the incunibent or incumbents of the benefice or benefices to be affected thereby, if he or they shall have consented thereto in writing under his or their hands; but if such incumbent or incumbents shall not have so consented thereto the order shall not come into operation until the next avoidance of the benefice by the incumbent objecting to the alteration, or by the surviving incumbent objecting, if more than one shall object thereto; and in such case the order shall forthwith, after such avoidance, become binding on all persons whatsoever.

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XXVII. And whereas the changes effected by virtue of the provisions aforesaid for uniting or disuniting benefices, and for altering the contents of parishes, may, when the orders for those purposes respectively come into operation, raise doubts and create disputes not foreseen at the time when such orders may have been made respecting ecclesiastical jurisdiction, glebe lands, tithes, rent-charges, and other ecclesiastical dues, rates, and payments, patronage, right to pews, and the definition of local boundaries; be it enacted, that it shall be lawful for Her Majesty in council, at any time within five years after such orders respectively shall come into full operation, if occasion shall arise, to make a supplemental order for removing such doubts and settling such disputes; and every such supplemental order shall have the same force and effect as if it had formed part of the original order made under the provisions of this act: Provided always, that in every case in which the contents of parishes shall be so altered such alteration shall not in any way affect the secular rates, taxes, charges, duties, or privileges of such parishes, or of any part of them.

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XXVIII. And

Spiritual persons not to take to farm for occupation above eighty acres, without consent of the bishop, and then not beyond seven years, under penalty of 40s. per acre.

XXVIII. And be it enacted, that it shall not be lawful for any spiritual person holding any cathedral preferment or benefice, or any curacy or lectureship, or who shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, to take to farm for occupation by himself, by lease, grant, words, or otherwise, for term of life or of years, or at will, any lands exceeding eighty acres in the whole, for the purpose of occupying or using or cultivating the same, without the permission in writing of the bishop of the diocese specially given for that purpose under his hand; and every such permission to any spiritual person to take to farm for the purpose aforesaid any greater quantity of land than eighty acres shall specify the number of years, not exceeding seven, for which such permission is given; and every such spiritual person who shall without such permission so take to farm any greater quantity of land than eighty acres, shall forfeit for every acre of land above eighty acres so taken to farm the sum of forty shillings for each year during or in which he shall so occupy, use, or cultivate such land contrary to the provision aforesaid.

Nospiritual person, beneficed or performing ecclesiastical duty, shall engage in trade, or buy to sell again for profit or gain.

XXIX. And be it enacted, that it shall not be lawful for any spiritual person holding any such cathedral preferment, benefice, curacy, or lectureship, or who shall be licensed or allowed to perform such duties as aforesaid, by himself or by any other for him or to his use, to engage in or carry on any trade or dealing for gain or profit, or to deal in any goods, wares, or merchandize, unless in any case in which such trading or dealing shall have been or shall be carried on by or on behalf of any number of partners exceeding the number of six, or in any case in which any trade or dealing, or any share in any trade or dealing, shall have devolved or shall devolve upon any spiritual person, or upon any other person for him or to his use, under or by virtue of any devise, bequest, inheritance, intestacy, settlement, marriage, bankruptcy, or insolvency; but in none of the foregoing excepted cases shall it be lawful for such spiritual person

to act as a director or managing partner, or to carry on such trade or dealing as aforesaid in person.

XXX. Provided always, and be it enacted, that nothing herein-before contained shall subject to any penalty or forfeiture any spiritual person for keeping a school or seminary, or acting as a schoolmaster or tutor or instructor, or being in any manner concerned or engaged in giving instruction or education for profit or reward, or for buying or selling or doing any other thing in relation to the management of any such school, seminary, or employment, or to any spiritual person whatever for the buying of any goods, wares, or merchandizes, or articles of any description, which shall without fraud be bought with intent at the buying thereof to be used by the spiritual person buying the same for his family or in his household, and after the buying of any such goods, wares, or merchandizes, or articles, selling the same again or any parts thereof which such person may not want or choose to keep, although the same shall be sold at an advanced price beyond that which may have been given for the same; or for disposing of any books or other works to or by means of any bookseller or publisher; or for being a manager, director, partner, or shareholder in any benefit society, or fire or life assurance society, by whatever name or designation such society may have been constituted; or for any buying, or selling again for gain or profit, of any cattle or corn or other articles necessary or convenient to be bought, sold, kept, or maintained by any spiritual person, or any other person for him or to his use, for the occupation, manuring, improving, pasturage, or profit of any glebe, demesne lands, or other lands or hereditaments which may be lawfully held and occupied, possessed or enjoyed, by such spiritual person, or any other for him or to his use; or for selling any minerals the produce of mines situated on his own lands; so nevertheless that no such spiritual person shall buy or sell any cattle or corn or other articles as aforesaid in person in any market, fair, or place of public sale.

Not to extend to spiritual persons engaged in keeping schools, or as tutors, &c. in respect of any thing done, or any buying or selling in such employment; or to selling any thing bona fide bought for the use of the family, or to being a manager, &c. in any benefit or life or fire assurance society; or buying and selling cattle, &c. for the use of his own lands, &c.

XXXI. And

Spiritual persons illegally trading may be suspended, and for the third offence deprived.

XXXI. And be it enacted, that if any spiritual person shall trade or deal in any manner contrary to the provisions of this act, it shall be lawful for the bishop of the diocese where such person shall hold any cathedral preferment, benefice, curacy, or lectureship, or shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, to cause such person to be cited before his chancellor or other competent judge, and it shall be lawful for such chancellor or other judge, on proof in due course of law of such trading, to suspend such spiritual person for his first offence for such time not exceeding one year as to such judge shall seem fit; and on proof in like manner before such or any other competent ecclesiastical judge of a second offence committed by such spiritual person subsequent to such sentence of suspension, such spiritual person shall for such second offence be suspended for such time as to the judge shall seem fit; and for his third offence be deprived *ab officio et beneficio*, and thereupon it shall be lawful for the patron or patrons of any such cathedral preferment, benefice, lectureship, or office to make donation or to present or nominate to the same as if the person so deprived were actually dead; and in all such cases of suspension the bishop during such suspension shall sequester the profits of any cathedral preferment, benefice, lectureship, or office of which such spiritual person may be in possession, and by an order under his hand direct the application of the profits of the same respectively, after deducting the necessary expences of providing for the due performance of the duties of the same respectively, towards the same purposes and in the same order, as near as the difference of circumstances will admit, as are herein-after directed with respect to the profits of a benefice sequestered in case of non-compliance after monition with an order requiring a spiritual person to proceed and reside on his benefice, save that no part of such profits shall be paid to the spiritual person so suspended nor applied in satisfaction of a sequestration at the suit of a creditor; and

and in case of deprivation the bishop shall forthwith give notice thereof in writing under his hand to the patron or patrons of any cathedral preferment, benefice, lectureship, or office which the said spiritual person may have holden in the manner herein-after required with respect to notice to the patron of a benefice continuing under sequestration for one whole year, and thereby becoming void, and any such cathedral preferment or benefice shall lapse at such period after the said notice as any such last-mentioned benefice would under the provisions of this act lapse : Provided always, that no contract shall be deemed to be void by reason only of the same having been entered into by a spiritual person trading or dealing, either solely or jointly with any other person or persons, contrary to the provisions of this act, but every such contract may be enforced by or against such spiritual person, either solely or jointly with any other person or persons, as the case may be, in the same way as if no spiritual person had been party to such contract.

*Pluralities
and
Residence.*
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XXXII. And be it enacted, that every spiritual person holding any benefice shall keep residence on his benefice, and in the house of residence (if any) belonging thereto ; and if any such person shall, without any such licence or exemption as is in this act allowed for that purpose, or unless he shall be resident at some other benefice of which he may be possessed, absent himself from such benefice, or from such house of residence, if any, for any period exceeding the space of three months together, or to be accounted at several times in any one year, he shall, when such absence shall exceed three months and not exceed six months, forfeit one third part of the annual value of the benefice from which he shall so absent himself ; and when such absence shall exceed six months and not exceed eight months, one half part of such annual value ; and when such absence shall exceed eight months, two third parts of such annual value ; and when such absence shall have been for the whole of the year, three fourth parts of such annual value.

*Penalties
for non-
residence,
on incum-
bent not
having a
licence or
exemption,
unless he
be resident
on another
benefice.*

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XXXIII. And

Licence to
reside out
of the usual
house, if
unfit.

XXXIII. And be it enacted, That it shall be lawful for any bishop, upon application in writing by any spiritual person holding any benefice within his diocese whereon there shall be no house or no fit house of residence, by licence under his hand and seal, to be registered in the registry of the diocese, which the registrar is hereby required to do, to permit such person to reside in some fit and convenient house, although not belonging to such benefice, such house to be particularly described and specified in such licence, and for a certain time to be therein also specified, not exceeding the period by this act limited, and from time to time, as such bishop may think fit, to renew such licence; and every such house shall be a legal house of residence for such specified time to all intents and purposes: provided always, that no such licence shall be granted to such spiritual person to reside in any house unless it be within three miles of the church or chapel of such benefice, nor in case such church or chapel be in any city, or market or borough town, unless such house be within two miles of such church or chapel.

Houses
purchased
by gover-
nors of
Queen
Anne's
bounty to
be deemed
residences.

XXXIV. And whereas the governors of the bounty of Queen Anne have purchased, built, or procured, and may hereafter purchase, build, or procure, by way of benefaction or donation to poor benefices, houses not situate within the parishes or places wherein such benefices lie, but so near thereto as to be sufficiently convenient and suitable for the residence of the officiating ministers thereof; be it therefore enacted, that such houses, having been previously approved by the bishop of the diocese, by writing under his hand and seal duly registered in the registry of the diocese, shall be deemed the houses of residence belonging to such benefices to all intents and purposes whatsoever.

Vicar or
perpetual
curate may
reside in
rectory
house.

XXXV. And be it enacted, that in all cases of rectories having vicarages endowed or perpetual curacies the residence of the vicar or perpetual curate in the rectory house of such benefice shall be deemed a legal residence to all intents and purposes whatever; provided that the
house

house belonging to the vicarage or perpetual curacy be kept in proper repair to the satisfaction of the bishop of the diocese.

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and
Residence.*

XXXVI. And be it enacted, that from and after the decease of any spiritual person holding any benefice to which a house of residence is annexed, and in which he shall have been residing at the time of his decease, it shall be lawful for the widow of such spiritual person to occupy such house for any period not exceeding two calendar months after the decease of such spiritual person, holding and enjoying therewith the curtilage and garden belonging to such house.

Widow of any spiritual person may continue in the house of residence for two months after his decease.

XXXVII. And be it enacted, that no spiritual person, being head ruler of any college or hall within either of the universities of Oxford or Cambridge, or being warden of the University of Durham, or being head master of Eton, Winchester, or Westminster School, or principal or any professor of the East India College, having been appointed such principal or professor before the time of the passing of this act, and not having respectively more than one benefice with cure of souls, shall be liable to any of the penalties or forfeitures in this act contained for or on account of non-residence on any benefice.

Certain persons exempt from penalties for non-residence.

XXXVIII. And be it enacted, that no spiritual person being dean of any cathedral or collegiate church, during such time as he shall reside upon his deanery, and no spiritual person having or holding any professorship or any public readership in either of the said universities, while actually resident within the precincts of the university, and reading lectures therein, (provided always, that a certificate under the hand of the vice chancellor or warden of the university, stating the fact of such residence, and of the due performance of such duties, shall in every such case be transmitted to the bishop of the diocese wherein the benefice held by such spiritual person is situate within six weeks after the thirty-first day of December in each year;) and no spiritual person serving as chaplain of the Queen's or King's most Excellent Majesty, or of the Queen Dowager, or of any of the

Privileges for temporary non-residence.

*Pluralities
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Residence.*
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Queen's or King's children, brethren, or sisters, during so long as he shall actually attend in the discharge of his duty as such chaplain in the household to which he shall belong; and no chaplain of any archbishop or bishop, whilst actually attending in the discharge of his duty as such chaplain; and no spiritual person actually serving as chaplain of the house of commons, or as clerk of the Queen's or King's closet, or as a deputy clerk thereof, while any such person shall be actually attending and performing the functions of his office; and no spiritual person serving as chancellor or vicar general or commissary of any diocese, whilst exercising the duties of his office; or as archdeacon, while upon his visitation, or otherwise engaged in the exercise of his archidiaconal functions; or as dean or subdean, or priest or reader, in any of the Queen's or King's royal chapels at Saint James's or Whitehall, or as reader in the Queen's or King's private chapels at Windsor or elsewhere, or as preacher in any of the inns of court, or at the rolls, whilst actually performing the duty of any such office respectively; and no spiritual person, being provost of Eton College, or warden of Winchester College, or master of the Charter House, or principal of Saint David's College, or principal of King's College, London, during the time for which he may be required to reside and shall actually reside therein respectively, shall be liable to any of the penalties or forfeitures in this act contained for or on account of non-residence on any benefice for the time in any year during which he shall be so as aforesaid resident, engaged, or performing duties, as the case may be, but every such spiritual person shall, with respect to residence on a benefice under this act, be entitled to account the time in any year during which he shall be so as aforesaid resident, engaged, or performing duties, as the case may be, as if he had legally resided during the same time on some other benefice; any thing in this act contained to the contrary notwithstanding.

*Perform-
ance of
cathedral*

XXXIX. And be it enacted, that it shall be lawful for any spiritual person, being prebendary, canon, priest vicar, vicar

vicar choral, or minor canon in any cathedral or collegiate church, or being a fellow of one of the said colleges of Eton or Winchester, who shall reside and perform the duties of such office during the period for which he shall be required to reside and perform such duties by the charter or statutes of such cathedral or collegiate church or college, as the case may be, to account such residence as if he had resided on some benefice: Provided always, that nothing herein contained shall be construed to permit or allow any such prebendary, canon, priest vicar, vicar choral, minor canon, or fellow to be absent from any benefice on account of such residence and performance of duty for more than five months altogether in any one year, including the time of such residence on his prebend, canonry, vicarage, or fellowship: Provided also, that it shall be lawful for any spiritual person having or holding any such office in any cathedral or collegiate church or college in which the year for the purposes of residence is accounted to commence at any other period than the first of January, and who may keep the periods of residence required for two successive years at such cathedral or collegiate church or college, in whole or in part, between the first of January and the thirty-first of December in any one year, to account such residence, although exceeding five months in the year, as reckoned from the first of January to the thirty-first of December, as if he had resided on some benefice, any thing in this act contained to the contrary notwithstanding.

XL. Provided always, that every spiritual person being in possession of any benefice at the time of the passing of this act, and entitled by the law previously in force to exemption from residence, or to apply for a licence for non-residence, shall, as to every such benefice, but not as to any after-taken benefice, be entitled to the same exemption from residence, and to the same capacity of applying for and obtaining a licence for non-residence, and to the same right of appeal, in case of refusal or revocation of a licence, to which he was entitled before the time of the passing of this act; and every bishop and

duties, &c. may be accounted as residence, under certain restrictions.

Existing rights as to exemptions and licences preserved.

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and
Residence.*
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If house of residence not kept in repair, the incumbent to be liable to the penalties for non-residence.

other person empowered before the passing of this act to grant such licence to such spiritual person shall have the like power after the passing thereof, any thing hereinbefore contained to the contrary notwithstanding.

XLI. Provided also, and be it enacted, that every spiritual person having any house of residence upon his benefice, who shall not reside therein, shall, during such period or periods of non-residence, whether the same shall be for the whole or part of any year, keep such house of residence in good and sufficient repair; and in every such case it shall be lawful for the bishop to cause a survey of such house of residence to be made by some competent person, the costs of which, in case the house shall be found to be out of repair, shall be borne by such spiritual person; and if the surveyor shall report that such house of residence is out of repair, it shall be lawful for the bishop to issue his monition to the incumbent to put the same in repair, according to such survey and report, a copy of which shall be annexed to the monition; and every such non resident spiritual person who shall not keep such house of residence in repair, and who shall not upon such monition, and within one month after service of such monition, show cause to the contrary to the satisfaction of the bishop, or put such house in repair within the space of ten months, to the satisfaction of such bishop, shall be liable to all the penalties for non-residence imposed by this act during the period of such house of residence remaining out of repair, and until the same shall have been put in repair.

Every petition for licence for non-residence to be in writing, and to state certain particulars.

XLII. And be it enacted, that every spiritual person applying for a licence for non-residence shall present to the bishop a petition signed by himself or by some person approved by the bishop in that behalf, and shall state therein whether such spiritual person intends to perform the duty of his benefice in person, and in that case where and at what distance from the church or chapel of such benefice he intends to reside, and if he intends to employ a curate such petition shall state what salary he proposes to give to such curate, and whether the curate proposes

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to reside or not to reside in the parish in which such benefice is situate; and if the curate intends to reside therein, then whether in the house of residence belonging to such benefice, or in some and what other house; and if he does not intend to reside in the parish, then such petition shall state at what distance therefrom, and at what place, such curate intends to reside, and whether such curate serves any other and what parish as incumbent or curate, or has any and what cathedral preferment, and any and what benefice, or officiates in any other and what church or chapel; and such petition shall also state the annual value and the population of the benefice in respect of which any licence for non-residence shall be applied for, and the number of churches or chapels, if more than one, upon such benefice, and the date of the admission of such spiritual person to the said benefice; and it shall not be lawful for the bishop to grant any such licence unless such petition shall contain a statement of the several particulars aforesaid; and every such petition shall be filed in the registry of the diocese by the registrar thereof, and shall be open to inspection, and copies thereof made, with the leave in writing of the bishop.

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Residence.*
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XLIII. And be it enacted, that it shall be lawful for the bishop, upon such petition being presented to him, and upon such proofs being adduced as to any facts stated in any such petition as he may think necessary and shall require, to grant, in such cases as are herein-after enumerated, in which he shall think fit to grant the same, a licence in writing under his hand for such spiritual person to reside out of the proper house of residence of his benefice, or out of the limits of his benefice, or out of the limits prescribed by this act, for the purpose of exempting such person from any pecuniary penalty in respect of any non-residence thereon; which licence shall express the cause of granting the same licence; (that is to say,) to any spiritual person who shall be prevented from residing in the proper house of residence or within the limits of such benefice, or within the limits prescribed by this act, by any incapacity of mind or body;

Bishop may grant licences for non-residence in certain enumerated cases.

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Residence.*
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and also for a period not exceeding six months to any spiritual person on account of the dangerous illness of his wife or child making part of his family, and residing with him as such ; but that no such licence on account of the illness of a wife or child shall be renewed save with the allowance of the archbishop of the province previously signified under his hand in pursuance of a recommendation in writing from the bishop, setting forth the circumstances, proofs, and reasons which induce him to make such recommendation ; and also to any spiritual person having or holding any benefice wherein there shall be no house of residence, or where the house of residence shall be unfit for the residence of such spiritual person, such unfitness not being occasioned by any negligence, default, or other misconduct of such spiritual person, and such spiritual person keeping such house of residence, if any, and the buildings belonging thereto, in good and sufficient repair and condition to the satisfaction of the bishop, and a certificate under the hand of two neighbouring incumbents, countersigned by the rural dean, if any, that no house convenient for the residence of such spiritual person can be obtained within the parish, or within the limits prescribed by this act, being first produced to the bishop ; and also to grant to any spiritual person holding any benefice, and occupying in the same parish any mansion or messuage whereof he shall be the owner, a licence to reside in such mansion or messuage, such spiritual person keeping the house of residence and other buildings belonging thereto in good and sufficient repair and condition, and producing to the bishop proof to his satisfaction at the time of granting every such licence of such good and sufficient repair and condition : Provided always, that any such spiritual person, within one month after refusal of any such licence, may appeal to the archbishop of the province, who shall confirm such refusal, or direct the bishop to grant a licence under this act, as shall seem to the said archbishop just and proper.

Appeal to
archbishop
in case of
refusal.

In cases not
enumerated
bishops

XLIV. And be it enacted, that it shall be lawful for any bishop, in any case not herein-before enumerated, in which

which such bishop shall think it expedient, to grant to any spiritual person holding any benefice within his diocese a licence to reside out of the limits of such benefice: Provided always, that in every such case the nature and special circumstances thereof, and the reasons that have induced such bishop to grant such licence, shall be forthwith transmitted to the archbishop of the province, who shall forthwith proceed therein as herein-after provided in cases of appeal, and shall allow or disallow such licence in the whole or in part, or make any alteration therein, as to the period for which the same may have been granted or otherwise; and no such licence shall be valid unless it shall have been so allowed by such archbishop, such allowance thereof being signified by the signing thereof by such archbishop: Provided also, that it shall not be necessary in such licence to specify the cause of granting the same.

may grant licences to reside out of limits of benefice, subject to allowance by the archbishop.

XLV. And be it enacted, that during the vacancy of any see the power of granting licences of non-residence under this act, subject to the regulations herein contained, shall be exercised by the guardian of the spiritualities of the diocese; or in case the bishop of any diocese shall be disabled from exercising in person the functions of his office, such power shall be exercised by the person or persons lawfully empowered to exercise his general jurisdiction in the diocese: Provided always, that no licence granted by any other than the bishop shall be valid until the archbishop of the province shall have signified his approbation of the grant of such licence by signing the same.

By whom licences may be granted while a see is vacant, &c.

XLVI. And be it enacted, that no licence for non-residence granted under this act or under the said herein-before second-recited act shall continue in force after the thirty-first day of December in the year next after the year in which such licence shall have been or shall be granted.

Duration of licences.

XLVII. And be it enacted, that every person obtaining any licence of non-residence shall pay for the same to the secretary or officer of the bishop, or other person granting

Fee for licence.

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granting the same, the sum of ten shillings, over and above the stamp duty chargeable thereon, and no more, and also the sum of three shillings, and no more, to the registrar of the diocese, and shall also pay the sum of five shillings to the secretary of the archbishop when any such licence shall have been signed by such archbishop.

Licence not to be void by the death or removal of the grantor.

XLVIII. And be it enacted, that no licence of non-residence shall become void by the death or removal of the bishop granting the same, but the same shall be and remain valid, notwithstanding any such death or removal, unless the same shall be revoked as herein-after mentioned.

Licences may be revoked.

XLIX. And be it enacted, that it shall be lawful for any archbishop or bishop who shall have granted any licence of non-residence as aforesaid, or for any successor of any such archbishop or bishop, after having given such incumbent sufficient opportunity of showing reason to the contrary, in any case in which there may appear to such archbishop or bishop good cause for revoking the same, by an instrument in writing under his hand to revoke any such licence: Provided always, that any such incumbent may, within one month after service upon him of such revocation, if by a bishop, appeal to the archbishop of the province, who shall confirm or annul such revocation as to him shall appear just and proper.

Copies of licences or revocations to be filed in the registry of the diocese, and a list kept for inspection; and copies transmitted to churchwardens, and publicly read at the first visitation.

L. And be it enacted, that every bishop who shall grant or revoke any licence of non-residence under this act shall and he is hereby required, within one month after the grant or revocation of such licence, to cause a copy of every such licence or revocation to be filed in the registry of his diocese; and an alphabetical list of such licences and revocations shall be made out by the registrar of such diocese, and entered in a book, and kept for the inspection of all persons, upon payment of three shillings, and no more; and a copy of every such licence, and a statement in writing of the grounds of exemption, shall be transmitted by the spiritual person to whom such licence shall have been granted, or who may be exempted from

from residence, to the churchwardens or chapelwardens of the parish or place to which the same relates, within one month after the grant of such licence, or of his taking advantage of such exemption, as the case may be; and every bishop revoking any such licence shall cause a copy of such revocation to be transmitted, within one month after the revocation thereof, to the churchwardens or chapelwardens of the parish or place to which it relates; which copies of licences and revocation, and statements of exemption, shall be by such churchwardens or chapelwardens deposited in the parish chest, and shall likewise be produced by them, and publicly read by the registrar or other officer, at the visitation of the ecclesiastical district within which such benefice shall be locally situate next succeeding the receipt thereof; and every spiritual person who shall neglect so to transmit a copy of such licence or statement of exemption, as hereby required, shall lose all benefit of such licence, and until he shall have transmitted such statement shall not be entitled to the benefit of such exemption: Provided always, that in case the archbishop of the province shall on appeal to him annul the revocation of any such licence, the bishop by whom such revocation shall have been made shall, immediately on receiving notice from the archbishop that he has annulled the same, order, by writing under his hand, that the copies of such revocation shall be forthwith withdrawn from the said registry and parish chest, and that the same shall not be produced and read at the visitation, and that such revocation shall be erased from the list of revocations in the said registry; which order shall be binding on the registrar and churchwardens respectively to whom the same shall be addressed.

LI. And be it enacted, that every archbishop who shall in his own diocese grant any licence of non-residence, or who shall approve and allow, in manner directed by this act, any such licence in any case not enumerated in this act, or any renewal of a licence in the case of the dangerous illness of the wife or child of any spiritual person,

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List of
licences
allowed by
the arch-
bishop, or
granted in
his own
diocese, to
be annually

transmitted
to Her
Majesty in
council,
who may
revoke li-
cences, &c.

Licence,
although
revoked, to
be deemed
valid be-
tween the
grant and
revocation.

person, shall annually in the month of January in each year transmit to Her Majesty in council a list of all licences or renewals so granted or allowed by such archbishop respectively in the year ending on the last day of December preceding such month of January, and shall in every such list specify the reasons which have induced him to grant or allow each such licence or renewal, together with the reasons transmitted to him by the bishops for granting or recommending each such licence in their respective dioceses; and it shall be lawful for Her Majesty in council, by an order made for that purpose, to revoke and annul any such licence; and if Her Majesty in council shall think fit so to do, such order shall be transmitted to the archbishop who shall have granted or approved and allowed such licence or renewal, who shall thereupon cause a copy of every such order to be transmitted to the bishop of the diocese in which such licence shall have been granted; and such bishop shall cause a copy of the mandatory part of the order to be filed in the registry of such diocese, and a like copy to be delivered to the churchwardens or chapelwardens of the parish or place to which the same relates, in manner herein-before directed as to revocation of licences; and every such archbishop shall cause a copy of the mandatory part of every such order made in relation to any such licence granted by him in his own diocese to be in like manner filed in the registry of his diocese, and a like copy also to be delivered to the churchwardens or chapelwardens of the parish or place to which such licence shall relate in manner before mentioned: Provided always, that after such licence shall have been so revoked by Her Majesty in council the same shall nevertheless, in all questions that shall have arisen or may thereafter arise touching the non-residence of the spiritual person to whom the same shall have been granted, between the time at which the same was granted or approved and allowed and the time of the revocation thereof being so filed in the registry, be deemed and taken to have been valid.

LII. And

LII. And be it enacted, that it shall be lawful for each bishop and he is hereby required to transmit, some time in the month of January in each year, to every spiritual person holding any benefice within his diocese or jurisdiction, the questions contained in the first schedule to this act, for the purpose of better enabling the several bishops to make the returns herein-after mentioned; and every spiritual person to whom such questions shall be so transmitted shall, within three weeks from the day on which the same shall be delivered to him, or to the officiating minister of the benefice for the time being, make and transmit to the bishop full and specific answers thereto, such answers being signed by such spiritual person.

Incumbents to answer questions transmitted to them by bishop.

LIII. And be it enacted, that on or before the twenty-fifth day of March in every year a return shall be made to Her Majesty in council by every bishop of the name of every benefice within his diocese or jurisdiction, and the names of the several spiritual persons holding the same respectively who shall have resided thereon; and also the names of the several spiritual persons who, by reason of any exemption under or by virtue of this act, or by reason of any licence granted by such bishop, shall not have resided on their respective benefices; and also the names of all spiritual persons, not having any such exemption or licence, who shall not have resided on their respective benefices, so far as the bishop is informed thereof; and also the substance of the answers received in all cases to the questions so transmitted as aforesaid.

Annual return to be made to Her Majesty in council of residents and non-residents, &c.

LIV. And be it enacted, that in every case in which it shall appear to the bishop that any spiritual person holding any benefice within his diocese, and not having a licence to reside elsewhere than in the house of residence belonging thereto, nor having any legal cause of exemption from residence, does not sufficiently, according to the true meaning and intent of this act, reside on such benefice, it shall be lawful for such bishop, instead of proceeding for penalties under this act, or for penalties incurred before the passing of this act under the act of

Residence may be enforced by monition, or the living sequestered.

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the fifty-seventh year of His Majesty King George the Third, or after proceeding for the same, to issue or cause to be issued a monition to such spiritual person, requiring him forthwith to proceed to and to reside on such benefice, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof; provided that in every such case there shall be thirty days between the time of serving such monition on such spiritual person, in the manner herein-after directed, and the time specified in such monition for the return thereto; and the spiritual person on whom any such monition shall be served shall, within the time specified for that purpose, make a return thereto into the registry of the diocese, to be there filed; and it shall be lawful for the bishop to whom any such return shall be made to require such return or any fact contained therein to be verified by evidence; and in every case where no such return shall be made, or where such return shall not state such reasons for the non-residence of such spiritual person as shall be deemed satisfactory by the bishop, or where such return, or any of the facts contained therein, shall not be so verified as aforesaid, when such verification shall have been required, it shall be lawful for the bishop to issue an order in writing under his hand and seal, requiring such spiritual person to proceed and reside as aforesaid within thirty days after such order shall have been served upon him in like manner as is herein-after directed with respect to the service of monitions; and in case of non-compliance with such order it shall be lawful for the bishop to sequester the profits of such benefice until such order shall be complied with, or such sufficient reasons for non-compliance therewith shall be stated and proved as aforesaid, and to direct, by any order to be made for that purpose under his hand, and filed as aforesaid, the application of such profits, after deducting the necessary expences of serving the cure, either in the whole or in such proportions as he shall think fit, in the first place to the payment of the penalties proceeded for, if any, and of such reasonable expences

as shall have been incurred in relation to such monition and sequestration, and in the next place towards the repair or sustentation of the chancel, house of residence of such benefice, or of any of the buildings and appurtenances thereof, and of the glebe and demesne lands, and in the next place, where such benefice shall be likewise under sequestration at the suit of any creditor, then towards the satisfaction of such last-mentioned sequestration; and after the satisfaction thereof, then and in the next place towards the augmentation or improvement of any such benefice, or the house of residence thereof, or any of the buildings and appurtenances thereof, or towards the improvement of any of the glebe or demesne lands thereof, or to order and direct the same or any portion thereof to be paid to the treasurer of the governors of the bounty of Queen Anne, for the purposes of the said bounty, as such bishop shall, in his discretion, under all circumstances, think fit and expedient; and it shall also be lawful for the bishop, within six months after such order for sequestration, or within six months after any money shall have been actually levied by such sequestration, to remit to such spiritual person any proportion of such sequestered profits, or to cause the same or any part thereof, whether the same remain in the hands of the sequestrator or shall have been paid to the said treasurer, to be paid to such spiritual person; and every such sequestrator, at the suit of the bishop, is hereby required, upon receiving an order under the hand of such bishop, forthwith to obey the same; and the said treasurer is hereby authorized and required, upon receiving a like order from such bishop, to make such payment out of any money in his hands: Provided always, that any such spiritual person may, within one month after service upon him of the order for any such sequestration, appeal to the archbishop of the province, who shall make such order relating thereto, or to the profits that shall have been so sequestered as aforesaid, for the return of the same or any part thereof to such spiritual person, or to such sequestrator at the suit of any creditor, (as the case may be,) or otherwise

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Appeal
against
sequestra-
tion to the
archbishop.

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Residence.*

Incum-
bents re-
turning to
residence
on moni-
tion to pay
the costs.

otherwise as may appear to such archbishop to be just and proper; but nevertheless such sequestration shall be in force during such appeal.

LV. And be it enacted, that every spiritual person to whom any such monition or order in writing shall be issued as aforesaid, who shall be at the time of the issuing thereof absent from his benefice, contrary to the provisions of this act, but who shall forthwith obey such monition or order, and the profits of whose benefice shall by reason of such obedience not be sequestered, shall nevertheless pay all costs, charges, and expences incurred by reason of the issuing and serving such monition or order, and that the proceedings thereon shall not be stayed until such payment shall be made.

Incumbent
returning
to residence
on moni-
tion, but
again ab-
senting
himself
within 12
months, the
bishop may,
without
further
monition,
sequester.

LVI. And for effectually enforcing bonâ fide residence according to the intent of such monition and order, be it enacted, that if any spiritual person, not having a licence to reside out of the limits of his benefice, nor having other lawful cause of absence from the same, who after any such monition or order as aforesaid requiring him to reside, and before or after any such sequestration as aforesaid, shall in obedience to any such monition or order have begun to reside upon his benefice, shall afterwards, and before the expiration of twelve months next after the commencement of such residence, wilfully absent himself from such benefice for the space of one month together, or to be accounted at several times, it shall be lawful for the bishop, without issuing any other monition or making any order, to sequester and apply the profits of such benefice, as before directed by this act, for the purpose of enforcing the residence of such spiritual person, according to the true intent of the original monition issued by the bishop as aforesaid; and it shall be lawful for the bishop so to proceed in like cases from time to time as often as occasion may require; provided that in each such case such spiritual person may, within one month after the service upon him of the order for any such sequestration, appeal to the archbishop of the province, who shall make such order relating thereto, or to the profits sequestered,

sequestered, or to any part thereof, as to him may seem just and proper, but nevertheless such sequestration shall be in force during such appeal.

LVII. And be it enacted, that in every case in which any archbishop or bishop shall think proper, after proceeding by monition for the recovery of any penalty under this act for non-residence of more than one third part of the yearly value of any benefice for any non-residence exceeding six months in the year, to remit the whole or any part of any such penalty, such archbishop shall forthwith transmit to Her Majesty in council, and such bishop shall forthwith transmit to the archbishop of the province to which he belongs, a statement of the nature and special circumstances of each case, and the reasons for the remission of any such penalty; and it shall thereupon be lawful for Her Majesty in council, or for the archbishop, as the case may be, to allow or disallow such remission in whole or in part, in the same manner as is provided in this act with relation to the allowance or disallowance of licences of non-residence granted in cases not herein-before expressly enumerated: Provided always, that the decision of the archbishop with respect to cases transmitted to him from a bishop shall be final.

LVIII. And be it enacted, that if the benefice of any spiritual person shall continue for the space of one whole year under sequestration issued under the provisions of this act for disobedience to the bishop's monition or order requiring such spiritual person to reside on his benefice, or if such spiritual person shall, under the provisions of this act, incur two such sequestrations in the space of two years, and shall not be relieved with respect to either of such sequestrations upon appeal, such benefice shall thereupon become void; and it shall be lawful for the patron of such benefice to make donation or to present or nominate to the same as if such spiritual person were dead, and the bishop, on such benefice so becoming void, shall give notice in writing under his hand to such patron, which notice shall either be delivered to such patron or

*Pluralities
and
Residence.*

Reasons for remitting penalties for non-residence of a certain amount to be transmitted to the Queen in council.

Benefice continuing so sequestered one year, or being twice so sequestered within two years, to become void.

*Pluralities
and
Residence.*
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left at his usual place of abode, or if such patron or place of abode shall be unknown, or shall be out of England, such notice shall be twice inserted in the London Gazette, and also twice in some newspaper printed and usually circulated in London, and in some other newspaper usually circulated in the neighbourhood of the place where such benefice is situate; and for the purposes of lapse the avoidance of the benefice shall be reckoned from the day on which such notice shall have been delivered as aforesaid, or from the day on which six months shall have expired after the second publication of such notice in the London Gazette, as the case may be; and every such notice in the Gazette and newspapers shall state that the patron or the place of abode of the patron is unknown, or that he is said to be out of England, as the case may be, and that the benefice will lapse, at the furthest, after the expiration of one year from the second publication thereof as aforesaid; and upon any such avoidance it shall not be lawful for the patron to appoint by donation or present or nominate to such benefice so avoided the person by reason of whose non-residence the same was so avoided.

Contracts
for letting
houses in
which any
spiritual
persons re-
quired by
bishop to
reside to be
void.

LIX. And be it enacted, that any agreement made for the letting of the house of residence, or the buildings, gardens, orchards, or appurtenances necessary for the convenient occupation of the same, belonging to any benefice, to which house of residence any spiritual person may be required, by order of the bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a residence to any curate by the bishop, shall be made in writing, and shall contain a condition for avoiding the same, upon a copy of such order, assignment, or appointment being served upon the occupier thereof, or left at the house, and otherwise shall be null and void; and a copy of every such order, assignment, or appointment shall immediately on the issuing thereof be transmitted to one of the churchwardens of the parish, or such other person as the bishop shall think fit, and be by him forthwith served on the occupier of such house of residence, or left at the same; and any person continuing
to

to hold any such house of residence, or any such building, garden, orchard, or appurtenances, after the day on which such spiritual person shall be directed by such order to reside in such house of residence, or which shall be specified in any such order, assignment, or appointment, and after such copy shall be so served or left as aforesaid, shall forfeit the sum of forty shillings for every day he shall, without the permission of the bishop in writing under his hand for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard, or appurtenances, together with the expence of serving or leaving such order, assignment, or appointment, to be allowed by the bishop issuing the order or making such assignment or appointment; and it shall also be lawful for the spiritual person so directed to reside, or the curate to whom any such residence is assigned, to apply to any justice of the peace having jurisdiction in the place for a warrant for the taking possession thereof; and the justice to whom any such order for such possession is produced shall and he is hereby required, upon its being duly verified, to grant a warrant to some peace officer to deliver such possession, and possession may thereupon be taken of such house under such warrant at any time in the daytime, by entering the same by force, if necessary, without any other proceeding by ejectment or otherwise, any law or statute to the contrary notwithstanding; provided that any person who shall have been in possession of any such house of residence or premises under a verbal agreement only, or under any agreement in which the condition aforesaid for avoiding the same shall not be inserted, and who shall be turned out of possession by virtue of this act, shall be entitled to sue the person with whom he or she had entered into such agreement for damages occasioned by his or her being so turned out of possession, to be recovered in any of Her Majesty's superior courts at Westminster.

Penalty for holding adverse possession 40s. for every day.

LX. Provided always, and be it enacted, that no spiritual person shall be liable to any penalty for not residing in any such house of residence during such time

Incumbent not liable to penalty for non-residence while

the tenant occupies.

as such tenant shall continue to occupy such house of residence or other building or appurtenances necessary to the occupation of the same.

Vicar's oath relating to residence abolished.

LXI. And be it enacted, that no oath shall be required of or taken by any vicar in relation to residence on his vicarage; any law, custom, constitution, or usage to the contrary notwithstanding.

On avoidance of benefice not having fit house of residence bishop to raise money to build one by mortgage of glebe, &c. for 35 years.

LXII. And be it enacted, that upon or at any time after the avoidance of any benefice it shall be lawful for the bishop and he is hereby required to issue a commission to four beneficed clergymen of his diocese, or if the benefice be within his peculiar jurisdiction, but locally situate in another diocese, then to four beneficed clergymen of such last-mentioned diocese, one of whom shall be the rural dean (if any) of the rural deanery or district wherein such benefice shall be situate, directing them to inquire whether there is a fit house of residence within such benefice, and what are the annual profits of such benefice, and if the clear annual profits of such benefice exceed one hundred pounds whether a fit house of residence can be conveniently provided on the glebe of such benefice, or otherwise; and if the said commissioners, or any three of them, shall report in writing under their hands to the said bishop that there is no fit house of residence within such benefice, and that the clear annual profits of such benefice exceed one hundred pounds, and that a fit house of residence can be conveniently provided on the glebe of such benefice, or on any land which can be conveniently procured for the site of such house of residence, it shall be lawful for the said bishop and he is hereby required to procure from some skilful and experienced workman or surveyor a certificate containing a statement of the condition of the buildings (if any), and of the value of the timber and other materials (if any) thereupon fit to be employed in building or repairing or to be sold, and also a plan or estimate of the work fit and proper to be done for building or repairing such house of residence, with all necessary and convenient offices, and thereupon, by mortgage of the glebe, tithes, rents,

*Pluralities
and
Residence*
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rents, rent-charges, and other profits and emoluments, arising or to arise from such benefice, to levy and raise such sum or sums as the said estimate shall amount to, after deducting the value of any timber or other materials which may be thought proper to be sold, not exceeding four years net income and produce of such benefice, after deducting all outgoings, (except only the salary of the assistant curate where such a curate is necessary,) which mortgage shall be made to the person or persons who shall advance the money so to be levied and raised for the term of thirty-five years, or until the money so to be raised, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied according to the provisions of this act; and the same mortgage shall be made by one or more deed or deeds in the form or to the effect for that purpose contained in the second schedule to this act, and shall bind the incumbent of such benefice for the time being and his successors until the principal and interest, costs and charges, shall be fully paid off and satisfied; and every incumbent for the time being is hereby made liable to the payment of so much of the principal, interest, and costs as under the directions herein-after contained shall become payable during the time he shall be such incumbent, and every such incumbent and his representatives shall be and are hereby also made respectively liable to the proportion of the payments for the year which shall be growing at the time of the death of such incumbent or avoidance of such benefice according to the directions herein-after contained, which said principal, interest, and costs, and the proportion of payment growing at the time of the death of such incumbent or of such avoidance, shall and may be recovered by action of debt in any court of record.

LXIII. Provided always, and be it enacted, that the said bishop shall cause to be transmitted to the patron and the incumbent (if any) of such benefice copies of the report so to be made by such commissioners, and of the plan, estimate, and certificate so to be made by such

Bishop to transmit copies of report, &c to patron and incumbent, who may object

within two months, and if so bishop may order plan to be modified or abandoned.

workman or surveyor, two calendar months at the least before making any such mortgage as aforesaid; and that in case the patron and the incumbent, or either of them, shall object to the proposed site for a residence, or to the proposed plan for erecting or repairing such residence, or to the amount proposed to be raised, and shall deliver such objections in writing to the said bishop before the expiration of such period of two calendar months, the said bishop shall have full power to direct that the plan proposed to be carried into effect shall be altered or modified in such manner as he may think fit: Provided also, that if the bishop shall, after receiving the report to be made by such commissioners, be of opinion that it is not expedient under the special circumstances of any such benefice to levy and raise any sum or sums of money by mortgage as herein-before required, or otherwise to take measures for providing a fit house of residence for such benefice, he shall state in detail such special circumstances and the grounds of his opinion in the next annual return to be made by him to Her Majesty in council, according to the directions herein-before contained.

Every mortgagee to execute a counterpart of the mortgage, to be kept by the incumbent, &c.

LXIV. And be it enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be kept by the incumbent for the time being; and a copy of every such deed of mortgage shall be registered in the office of the registrar of the bishop of the diocese, after having been first examined by him with the original, which officer shall register the same, and be entitled to demand and receive the sum of five shillings, and no more, for such register; and every such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search; and the said deed, or a copy thereof certified under the hand of the registrar, shall be allowed as legal evidence, in case any such mortgage deed shall happen to be lost or destroyed.

On failure of payment of principal

LXV. And be it enacted, that whenever the principal and interest directed to be paid to the mortgagee under the

the provisions of this act shall be in arrear and unpaid for the space of forty days after the same shall become due, it shall be lawful for such mortgagee, his executors, administrators, or assigns, to recover the same, and the costs and charges attending the recovery thereof, by distress and sale in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

and interest for 40 days after due, mortgagee may distrain.

LXVI. And be it enacted, that the money so to be raised shall be paid into the hands of such person or persons as shall be nominated and appointed by the bishop of the diocese by writing under his hand to receive and apply the same for the purposes aforesaid, in the form for that purpose contained in the said schedule, after such nominee shall have given a bond to the ordinary, with sufficient surety, in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this act; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money; and the person or persons so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the said bishop, and shall be specified in an instrument written upon parchment and signed by him, and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs, according to the terms of such agreements, and also the expences of preparing the mortgage deed and incident thereto, and of making such certificate, plan, and estimate, and copies thereof as aforesaid, and shall take proper receipts and vouchers for the same; and as soon as such buildings or repairs shall be completed, and the money paid, shall make out an account of his receipts and payments, together with the vouchers for the same, and enter them in a book fairly written, which shall be signed by him, and laid before the bishop of the diocese and examined by him, and when allowed by writing under his hand such allowance shall be a full

Money borrowed to be paid to such persons as the bishop shall appoint;

who shall contract for the buildings, &c., and see the same executed, and pay for them, &c.

How the
balance
remaining
shall be
disposed of.

discharge to the person so nominated in respect to the said accounts; and if any balance shall remain in the hands of such nominee or nominees the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said bishop, by order signed by him; and an account shall also be kept, made out, and allowed of such further disbursements in manner aforesaid; all which accounts, when made out, completed, and allowed, shall be deposited with the vouchers in the hands of the said registrar, and kept by him for the use and benefit of the incumbents of such benefice for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar or deputy registrar the sum of one shilling for every such inspection.

Directions
for pay-
ment of
principal
and interest
of the
mortgages.

LXVII. And be it enacted, that the incumbent of every such benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall, from and after the expiration of the first year of the said term (in which year no part of the principal sum borrowed shall be repayable) yearly and every year (such year to be computed from the date of such mortgage) pay to the mortgagee one thirtieth part of the principal sum until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year pay the yearly interest on the principal sum, or so much thereof as shall from time to time remain unpaid; and that every such incumbent shall annually, at his own expence, from the time such buildings authorized to be made by this act shall be completed, insure, at one of the public offices established in London or Westminster for insurance of houses and buildings, the house and other buildings upon such glebe against accidents by fire, at such sum of money as shall be determined upon by the bishop; and in default of the payment of either the principal or interest in manner aforesaid, or neglect of the incumbent to make such insurance,

As soon as
the build-
ings are
completed,
incumbent
to insure
them
against fire.

insurance, the bishop shall have power to sequester the profits of the benefice till such payment or insurance shall be made.

*Pluralities
and
Residence.*

LXVIII. And be it enacted, that the sum payable at the end of any year in which there shall be an avoidance of such benefice shall be apportioned between the successor and the incumbent avoiding such benefice by death or otherwise, or his representatives, in such proportions as the profits of such living shall have been received by them respectively for the year in which such death or avoidance shall happen; and that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor, and the other by the person making such avoidance, or his representatives in case of his death; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the bishop, whose determination shall be final and conclusive between the parties.

For proportioning the annual payment, in case of death or other avoidance.

LXIX. And be it enacted, that all sums of money recovered or received, by suit or compositions, from the representatives of any former incumbent of such benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed, and the money paid for the same, shall be applied as soon as received in payment of the principal then due, as far as the same will extend; or in case the said mortgage money shall have been discharged, all such money arising from dilapidations shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the bishop, in case such nominee shall

All money received for dilapidations, &c. shall be applied in part of the payments under the aforesaid estimate;

or in making some additional improvements, &c.

be dead or shall decline to act therein, to be laid out and expended in making some additional buildings or improvements upon the glebe of such benefice, to be approved by the bishop; and in the meantime, or in case such buildings shall not be necessary, then in trust to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

Where new buildings are necessary for the residence of the incumbent, the bishop may purchase any conveniently situated house, and a certain portion of land.

LXX. And be it further enacted, that where new buildings are necessary to be provided for the residence of the incumbent of any benefice exceeding in value one hundred pounds a year, and avoided after the passing of this act, and where such new buildings cannot be conveniently erected on the glebe of such benefice, it shall be lawful for the bishop to contract, or to authorize, if he shall think fit, the person so to be nominated by him as aforesaid to contract, for the absolute purchase of any house or buildings in a situation convenient for the residence of the incumbent of such benefice, and also to contract for any land adjoining or lying convenient to such house or building, or to contract for any land upon which a fit house of residence can be conveniently built, and to raise the purchase money for such house or buildings and land adjoining, or for such land upon which a house of residence can be conveniently built (as the case may be), by mortgage of the glebe, tithes, rents, and other profits and emoluments arising or to arise from such benefice, in the same manner in all respects as is herein-before directed with respect to the mortgage herein-before authorized or directed to be made, which mortgage shall be binding upon the incumbent and his successors, and he and they and their representatives are hereby made liable to the payment of the principal, interest, and costs, in the same manner and to the same extent as herein-before directed with respect to the aforesaid mortgage; and the receipt of such nominee or nominees as aforesaid shall be a sufficient discharge to the person or persons who shall advance or pay the money so to be raised: Provided always, that no greater sum shall be charged on any benefice

fice

fice under the authority of this act than four years net income and produce of such benefice (after such deduction as aforesaid).

*Pluralities
and
Residence.*

LXXI. And be it enacted, that the buildings and lands so to be purchased shall be conveyed to the patron of such benefice and his heirs or successors, as the case may be, in trust for the sole use and benefit of the incumbent of such benefice for the time being and his successors, and shall be annexed to such benefice, and be enjoyed and go in succession with the same for ever; but no contract of purchase made by the nominee shall be valid until confirmed by the bishop by writing under his hand; and every such purchase deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner and in such office as the other deeds are hereby directed to be registered.

*Buildings
and lands
to be con-
veyed to
patron in
trust for
the incum-
bent for the
time being.*

LXXII. And be it enacted, that it shall be lawful for the governors authorized or appointed to regulate and superintend the bounty given by Her late Majesty Queen Anne for the augmentation of the maintenance of the poor clergy, to advance and lend out of the money which has arisen or shall from time to time arise from that bounty, for promoting and assisting the purposes of this act, any sum not exceeding the amount hereby authorized to be raised upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

*Governors
of Queen
Anne's
Bounty
empowered
to lend cer-
tain sums
to promote
the execu-
tion of this
act.*

LXXIII. And be it enacted, that it shall be lawful for any college or hall within the universities of Oxford and Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation and convenience of the clergy, upon benefices under the patronage of such college or hall, upon the mortgage and security directed by this act for the repayment

*Colleges in
Oxford and
Cambridge
and other
corporate
bodies, pa-
trons of liv-
ings, may
lend any
sums with-
out interest,
to aid the
execution
of this act.*

repayment of the principal, without taking any interest for the same.

Allowance to person nominated by the bishop to pay and apply money.

LXXIV. And be it enacted, that it shall be lawful for the said bishop, by writing under his hand, to make such allowance to the person or persons to be nominated by him for the purpose of paying and applying the money so to be raised as aforesaid as he shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

Non-resident incumbents neglecting to appoint curates, the bishop to appoint.

LXXV. And be it enacted, that if any spiritual person holding any benefice, who shall not actually reside thereon nine months in each year, (unless such person shall, with the consent of the bishop, from time to time, signified in writing under his hand and revocable at any time, perform the ecclesiastical duties of the same, he either being resident on another benefice, of which he shall also be the incumbent, or having a legal exemption from residence on his benefice, or having a licence to reside out of the same, or to reside out of the usual house of residence belonging to the same,) shall for a period exceeding three months altogether, or to be accounted at several times, in the course of any one year absent himself from his benefice, without leaving a curate or curates duly licensed or approved by the bishop to perform such ecclesiastical duties, or shall, for a period of one month after the death, resignation, or removal of any curate who shall have served his church or chapel, neglect to notify such death, resignation, or removal to the bishop, or shall for the period of four months after the death, resignation, or removal of such curate neglect to nominate to the bishop a proper curate, in every such case the bishop is hereby authorized to appoint and license a proper curate, with such salary as is by this act allowed and directed, to serve the church or chapel of the benefice in respect of which such neglect or default shall have occurred: Provided always, that such licence shall in every case specify whether the curate is required to reside within the parish or place, or not; and if the curate is permitted by the bishop to reside out of the parish or place, the grounds upon which the curate is

so permitted to reside out of the same shall be specified in such licence; and the distance of the residence of any curate from any such church or chapel which he shall be licensed to serve shall not exceed three statute miles, except in cases of necessity, to be approved by the bishop, and specified in the licence.

*Pluralities
and
Residence.*
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LXXVI. And be it enacted, that in every case where a curate is appointed to serve in any benefice upon which the incumbent either does not reside or has not satisfied the bishop of his full purpose to reside during four months in the year, such curate shall be required by the bishop to reside within the parish or place in which such benefice is situate, or if no convenient residence can be procured within such parish or place, then within three statute miles of the church or chapel of the benefice in which he shall be licensed to serve, except in cases of necessity, to be approved of by the bishop, and specified in the licence, and such place of residence shall also be specified in the licence.

*Curate to
reside on
benefices,
under cer-
tain cir-
cumstances.*

LXXVII. And be it enacted, that whenever the bishop shall see reason to believe that the ecclesiastical duties of any benefice are inadequately performed, it shall be lawful for him to issue a commission to four beneficed clergymen of his diocese, or if the benefice be within his peculiar jurisdiction but locally situate in another diocese, then to four beneficed clergymen of such last-mentioned diocese, one whereof shall be the rural dean, if any, of the rural deanery or district wherein such benefice is situated, directing them to inquire into the facts of the case; and it shall be lawful for the incumbent of the said benefice to add to such commissioners one other incumbent of a benefice within the same diocese; and if the said commissioners or the major part of them report in writing under their hands to the said bishop that in their opinion the duties of such benefice are inadequately performed, it shall be lawful for such bishop, if he shall see fit, by writing under his hand, to require the spiritual person holding such benefice, though he may actually reside or be engaged in performing the duties thereof, to
nominate

*If duty in-
adequately
performed,
the bishop
may ap-
point a
curate;*

*Pluralities
and
Residence.*
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but incum-
bent may
appeal.

In large
benefices
an assistant
curate may
be required.

nominate to him a fit person or persons, with sufficient stipend or stipends, to be licensed by him to perform or to assist in performing such duties, specifying therein the grounds of such requisition; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, it shall be lawful for the bishop to appoint and license a curate or curates, as the case shall appear to him to require, with such stipend or stipends as he shall think fit to appoint, not exceeding the respective stipends allowed to curates by this act in the case of non-resident incumbents, nor, except in the case of negligence, exceeding one half of the net annual value of such benefice; and such bishop shall cause a copy of every such requisition, and the evidence to found the same, to be forthwith filed in the registry of his court: Provided always, that it shall be lawful for any such spiritual person, within one month after the service upon him of such requisition to nominate a curate, or of notice of any such appointment and licence of such curate or curates, to appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may seem just and proper.

LXXVIII. And be it enacted, that whenever the annual value of any benefice the incumbent whereof was not in possession at the time of the passing of this act shall exceed five hundred pounds, and the population thereof shall amount to three thousand persons, or though the population do not amount to three thousand persons, if there be in the said benefice a second church or chapel situated not less than two miles from the mother church, and with a hamlet or district connected with it containing four hundred persons, it shall be lawful for the bishop, if he shall see fit, to require the spiritual person holding such benefice, although he shall be resident thereon or engaged in performing the duties thereof, to nominate a fit and proper person to be licensed as a curate to assist in performing the duties of such benefice, and to be paid by the person holding the same; and if a fit person shall not be nominated

nated to the bishop within three months after his requisition for that purpose shall have been delivered to the incumbent, or left at his last or usual place of abode, it shall be lawful for the bishop to appoint and license a curate, with such stipend as he shall think fit to appoint, not exceeding the respective stipends allowed to curates by this act, nor in any case exceeding one fifth part of the net annual value of the benefice: Provided always, that such spiritual person may, within one month after service upon him of such requisition to nominate a curate, or of notice of any such appointment of a curate, appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.

*Pluralities
and
Residence.*
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Appeal.

LXXIX. And be it enacted, that in case of a stipend being assigned by the bishop, according to the provisions of this act, to the curate of any benefice, the incumbent whereof shall have been duly found a lunatic or person of unsound mind, the committee of the estate of any such lunatic or person of unsound mind shall pay such stipend to such curate out of the profits of the benefice which shall come to his hands.

Stipend to be paid by committee of lunatic's estate.

LXXX. And be it enacted, that it shall be lawful for the bishop, in his discretion, to order that there shall be two full services, each of such services, if the bishop shall so direct, to include a sermon or lecture on every Sunday throughout the year, or any part thereof, in the church or chapel of every or any benefice within his diocese, whatever may be the annual value or the population thereof; and also in the church or chapel of every parish or chapelry, where a benefice is composed of two or more parishes or chapelries, in which there shall be a church or chapel, if the annual value of the benefice arising from that parish or chapelry shall amount to one hundred and fifty pounds, and the population of that parish or chapelry shall amount to four hundred persons: Provided always, that nothing herein contained shall be taken to repeal or affect the provisions of an act passed in the fifty-eighth year of the reign of His Majesty King George the Third, intituled

Bishops may enforce two services on Sundays in certain cases.

Not to affect the provisions of the act 58 G. 3. c. 45. s. 65.

*Pluralities
and
Residence.*
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intituled "An Act for building and promoting the building of additional Churches in populous Parishes," by which the bishop of any diocese is empowered to direct the performance of a third or additional service in the several churches or chapels within his diocese under the circumstances therein mentioned.

Statement of particulars necessary to be given, and declaration to be made, on application for a licence for a curate.

LXXXI. And be it enacted, that every bishop to whom any application shall be made for any licence for a curate to serve for any person not duly residing upon his benefice shall, before he shall grant such licence, require a statement of all the particulars by this act required to be stated by any person applying for a licence for non-residence; and in every case in which application shall be made to any bishop for a licence for any stipendiary curate to serve in any benefice, whether the incumbent be resident or non-resident, such bishop shall also require a declaration in writing to be made and subscribed by the incumbent and the curate, to the purport and effect that the one bonâ fide intends to pay, and the other bonâ fide intends to receive, the whole actual stipend mentioned in such statement, without any abatement in respect of rent or consideration for the use of the glebe house, and without any other deduction or reservation whatever.

Fee for licence.

LXXXII. And be it enacted, that every curate obtaining such licence as aforesaid shall pay to the secretary or other proper officer of the bishop for the same the sum of ten shillings, over and above any stamp duty which may be chargeable thereon, which sum of ten shillings shall be in lieu of all fees heretofore demandable by such secretary or officer for such licence, or for any certificate connected therewith; and that whenever any person shall be licensed to two curacies within the same diocese at the same time, it shall be sufficient for such person to sign a declaration appointed to be signed by an act, intituled "An Act of Uniformity," once only; and it shall be sufficient for such person to produce one certificate only of his having so signed such declaration.

Bishop shall appoint sti-

LXXXIII. And be it enacted, that it shall be lawful for the bishop of the diocese and he is hereby required, subject

subject to the several provisions and restrictions in this act contained, to appoint to every curate of a non-resident incumbent such stipend as is specified in this act; and every licence to be granted to a stipendiary curate, whether the incumbent of the benefice be resident or non-resident thereon, shall specify the amount of the stipend to be paid to the curate; and in case any difference shall arise between the incumbent of any benefice and his curate touching such stipend or the payment thereof or of the arrears thereof, the bishop, on complaint to him made, may and shall summarily hear and determine the same, without appeal; and in case of wilful neglect or refusal to pay such stipend, or the arrears thereof, he is hereby empowered to enforce payment of such stipend, or the arrears thereof, by monition, and by sequestration of the profits of such benefice.

pende to
curates ;

and decide
differences
respecting
them.

LXXXIV. And be it enacted, that it shall not be lawful for the bishop to appoint for the curate of any benefice, to which the spiritual person holding the same was instituted, licensed, or otherwise admitted before the twentieth day of July one thousand eight hundred and thirteen, any stipend exceeding seventy-five pounds per annum, together with the use of the house of residence, and the gardens and stables belonging thereto, or a further sum of fifteen pounds in lieu of the use of the rectory or vicarage house, or other house of residence, in case there shall be no house, or it shall not appear to the bishop convenient to assign the house to the curate.

Stipends to
curates of
incumbents
before 20th
July 1813
not to ex-
ceed a cer-
tain rate.

LXXXV. And be it enacted, that in every case in which any spiritual person shall have been, since the twentieth day of July one thousand eight hundred and thirteen, or shall hereafter be, instituted, inducted, nominated, or appointed to or otherwise become incumbent of any benefice, and shall not duly reside thereon, the bishop shall appoint for the curate licensed under the provisions of this act to serve such benefice such stipend as is hereinafter next mentioned; (that is to say,) such stipend shall in no case be less than eighty pounds per annum, or than the annual value of the benefice, if such value shall not

Stipends to
curates to
be accord-
ing to spe-
cified scale,
propor-
tioned to
the value
and popu-
lation of
the bene-
fice.

*Pluralities
and
Residence.*
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amount to eighty pounds; nor less than one hundred pounds per annum, or than the whole value, if such value shall not amount to one hundred pounds, in any parish or place where the population shall amount to three hundred persons; nor less than one hundred and twenty-pounds per annum, or than the whole value, if such value shall not amount to one hundred and twenty pounds, in any parish or place where the population shall amount to five hundred persons; nor less than one hundred and thirty-five pounds per annum, or than the whole value, if such value shall not amount to one hundred and thirty-five pounds, in any parish or place where the population shall amount to seven hundred and fifty persons; nor less than one hundred and fifty pounds per annum, or than the whole value, if such value shall not amount to one hundred and fifty pounds, in any parish or place where the population shall amount to one thousand persons.

Larger
stipends in
certain
cases of
larger va-
lue and
population.

LXXXVI. And be it enacted, that where the annual value of any such benefice shall exceed four hundred pounds, it shall be lawful for the bishop to assign to the curate, being resident within the same, and serving no other cure, a stipend of one hundred pounds, notwithstanding the population may not amount to three hundred persons; and that where the annual value of any such benefice shall exceed four hundred pounds, and the population shall amount to five hundred persons, it shall be lawful for the bishop to assign to the curate, being resident within the same, and serving no other cure, any larger stipend, so that the same shall not exceed by more than fifty pounds per annum the amount of the stipend herein-before required to be assigned to any such curate; and that where the population of any such benefice shall exceed two thousand persons, it shall be lawful for the bishop to require the incumbent thereof to nominate to him two persons to be licensed as curates; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, it shall be lawful for the bishop to appoint and licence two curates or a second curate, and

Bishop
may require
two curates.

in

in all and every of such cases to assign to each curate so nominated or appointed such stipend as he shall think fit, not exceeding together the highest rate of stipend allowed by this act in the case of one such curate, except in cases where the incumbent shall consent to a larger stipend: Provided always, that such incumbent may, within one month after service upon him of such requisition, or of notice of any such appointment of two curates or a second curate, appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.

*Pluralities
and
Residence.*
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Appeal.

LXXXVII. And be it enacted, that in every case in which the bishop shall be satisfied that any spiritual person holding any benefice within his diocese is non-resident, or has become incapable of performing the duties thereof from age, sickness, or other unavoidable cause, and that, from these or from any other special and peculiar circumstances, great hardship or inconvenience would arise if the full stipend specified in this act should be allowed to the curate of such benefice, it shall be lawful for such bishop, with the consent of the archbishop of the province, to be signified in writing under the hand of the said archbishop upon the licence to be granted to such curate, to assign to the curate such stipend less than the full amount in this act specified as shall appear to him just and reasonable: Provided always, that in the licence granted in every such case it shall be stated that for special reasons the bishop hath not thought proper to assign to the curate the full stipend required by this act: Provided also, that such special reasons shall be entered fully in a separate book to be kept for that purpose, and to be deposited in the registry of the diocese, which book shall be open to inspection with the leave of the bishop, as in the cases of application for licences for non-residence.

*Smaller
stipends in
certain
cases.*

LXXXVIII. And be it enacted, that if any incumbent of two benefices, residing bonâ fide in different proportions of every year on one or other of such benefices the

*Stipend
of curate
engaged to
serve inter-
changeably*

at different
benefices
belonging
to the same
incumbent.

full period specified by this act, shall employ a curate to perform ecclesiastical duty interchangeably from time to time upon such of the benefices from which he shall be absent during his own actual residence upon the other thereof, it shall be lawful for the bishop to assign to such curate any stipend not exceeding such stipend as would be allowed under this act for the larger of such benefices, nor less than would be allowed for the smaller, as to the bishop shall under all the circumstances appear just and reasonable: Provided always, that if any such incumbent shall employ a curate or curates for the whole year upon each of such benefices, such incumbent so residing bonâ fide as aforesaid, in such case it shall be lawful for the bishop to assign to either or each of such curates any such stipend less than the amount specified in this act as he shall think fit.

How the
stipends
shall be
adjusted
where the
curate is
permitted
to serve in
two ad-
joining
parishes.

LXXXIX. And be it enacted, that in every case where the bishop shall find it necessary or expedient for obtaining the proper performance of ecclesiastical duties to license any spiritual person holding any benefice to serve as curate of any adjoining or other parish or place, it shall be lawful for such bishop, if he shall think fit, to assign to such person so licensed a stipend less by a sum not exceeding thirty pounds per annum than the stipend which in the several cases in this act specified the bishop is required to assign; and in every case where the bishop shall find it necessary or expedient to license the same person to serve as curate for two parishes or places, it shall be lawful for such bishop, if he shall think fit, to direct that during such time as such curate shall serve the churches or chapels of such two parishes or places the stipend to be received by him for serving each of the said churches or chapels shall be less by a sum not exceeding thirty pounds per annum than the stipend which in the several cases herein-before specified the bishop is required by this act to assign.

Agree-
ments for
stipends to
curates

XC. And be it enacted, that all agreements made or to be made between persons holding benefices and their curates, in fraud or derogation of the provisions of this act.

act, and all agreements whereby any curate shall undertake or in any manner bind himself to accept or be content with any stipend less than that which shall be assigned by his licence, shall be void to all intents and purposes, and shall not be pleaded or given in evidence in any court of law or equity; and, notwithstanding the payment and acceptance, in pursuance of any such agreement, of any sum less than that assigned by the licence, or any receipt, discharge, or acquittance that may be given for the same, the curate and his personal representatives shall be and remain entitled to the full amount of the stipend assigned by his licence; and the payment of so much thereof as shall be proved to the satisfaction of the bishop to remain unpaid shall, together with full costs of recovering the same as between proctor and client, be enforced by monition, and by sequestration of the profits of the benefice, to be issued by the bishop for that purpose on application made by the curate or his representatives; provided that such application shall in every such case be made to the bishop within twelve months after such curate shall have quitted his curacy, or have died.

contrary to
this act
void.

XCI. And be it enacted, that in every case in which the bishop shall assign to any curate a stipend equal to the whole annual value of the benefice in which he is licensed to serve, such stipend shall be subject to deduction in respect to all such charges and outgoings as may legally affect the value of such benefice, and to any loss or diminution which may lessen such value, without the wilful default or neglect of the spiritual person holding the benefice.

Curate's
stipend, if
of the value
of the bene-
fice, liable
to all
charges.

XCII. And be it enacted, that in every such case as last aforesaid it shall be lawful for the bishop, upon the application of the spiritual person holding the benefice, to allow such spiritual person to retain in each year so much money, not exceeding in any case one fourth part of the annual value, as shall have been actually expended during the year in the repair of the chancel and of the house of residence and premises and appurtenances

Bishop may
allow in-
cumbent to
deduct from
curate's
stipend for
repairs to
a limited
amount, in
certain
cases.

*Pluralities
and
Residence*
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thereto belonging, in respect of which such spiritual person, or his executors or administrators, would be liable for dilapidations to the successor; and it shall also be lawful for the bishop in like manner to allow any spiritual person holding any benefice the annual value whereof shall not exceed one hundred and fifty pounds to deduct from the stipend assigned to the curate in each year so much money as shall have been actually expended in such repairs above the amount of the surplus remaining of such value after payment of such stipend; provided that the sum so deducted, after laying out such surplus, shall not in any year exceed one fourth part of such stipend.

Curate directed to reside in parsonage house, in case of non-residence of incumbent, may have certain portion of glebe assigned to him by bishop.

XCIII. And be it enacted, that it shall be lawful for the bishop who shall have granted any licence to any curate to serve in any benefice the incumbent whereof is not resident for four months in each year, and who shall have required such curate to reside in the house of residence belonging to the benefice, to assign to such curate such house of residence, together with the offices, stables, gardens, and appurtenances thereto belonging, or any part or parts thereof, without payment of any rent, and also to assign any portion of glebe land adjacent to the house, and not exceeding four statute acres, at such rent as shall be fixed by the archdeacon of the archdeaconry, or by the rural dean, if any, of the deanery or district within which the benefice is situate, and one neighbouring incumbent, and approved of by the bishop, during the time of such curate's serving the cure, or during the non-residence of the incumbent of such benefice; and it shall be lawful for the bishop making any such assignment to any curate to sequester the profits of the benefice in any case in which possession of the premises so assigned shall not be given up to the curate, and until such possession shall be given, and to direct the application of the profits arising from such sequestration as is herein-before directed in the case of sequestration for non-residence, or to remit the same or any part thereof, as the bishop shall in his discretion think fit.

XCIV. And

XCIV. And be it enacted, that in every case where the bishop shall assign to the curate licensed to serve in any benefice a stipend not less than the whole value of the same, and shall in addition to such stipend direct that such curate shall reside in the house of residence belonging to such benefice, such curate shall be liable during the time of his serving such cure to the same taxes and parochial rates and assessments, in respect of such house, premises, and appurtenances thereto belonging, as if he had been incumbent of the benefice: Provided always, that in every other case in which the curate shall so reside by direction of the bishop it shall be lawful for such bishop, if he shall think fit, to order that the incumbent shall pay to the curate all or any part of such sums as he may have been required to pay and shall have actually paid within one year ending at Michaelmas day next preceding the date of such order for any such taxes, parochial rates, or assessments as shall become due at any time after the passing of this act, and the bishop may, if necessary, enforce payment thereof by monition, and sequestration of the profits of such benefice.

Curates to pay taxes of parsonage houses in certain cases.

XCV. And be it enacted, that every curate shall quit and give up the cure of any benefice which shall become vacant upon having six weeks notice from the spiritual person admitted, collated, instituted, or licensed to such benefice, provided such notice shall be given within six months from the time of such admission, collation, institution, or licence; and that in all other cases it shall be lawful for the incumbent of any benefice, whether resident or non-resident thereon, having first obtained the permission of the bishop of the diocese, to be signified by writing under his hand, to require any one or more of his curates, who after the passing of this act shall be licensed to any curacy, to quit and give up his curacy upon six months notice thereof given to the curate, who shall thereupon quit the same according to such notice: Provided always, that any incumbent resident on his benefice, or not resident but desiring to reside on his benefice, may, within one month after refusal of such permission as aforesaid

Curate to quit cure upon having six weeks notice from new incumbent within six months after his admission, and in other cases incumbent, with bishop's permission, may dispose of cure on six months notice.

Appeal.

*Pluralities
and
Residence.*

Curate
peaceably
to deliver
up possession
of
house of
residence
within six
months
after notice,
or pay 40s.
per day.

by the bishop, appeal to the archbishop of the province, who shall either confirm such refusal or grant such permission as to him may seem just and proper.

XCVI. And be it enacted, that every curate who shall reside in the house of residence of any benefice which shall become vacant shall peaceably deliver up possession thereof, with the appurtenances, upon having six weeks notice from the spiritual person admitted, collated, instituted, or licensed to such benefice, provided such notice be given within six months from the time of such admission, collation, institution, or licence; and that in all other cases it shall be lawful for the incumbent of any benefice, with the permission signified in writing under the hand of the bishop of the diocese, or for such bishop, at any time, upon six months notice in writing, to direct any curate to deliver up the house of residence, and the offices, stables, gardens, and appurtenances thereto belonging, and such portion of the glebe land as shall have been assigned to such curate, and such curate shall thereupon peaceably deliver up the possession of the premises pursuant to such notice; and if any curate shall refuse to deliver up such premises in any or either of the cases aforesaid he shall pay to the spiritual person holding the benefice the sum of forty shillings for every day of wrongful possession after the service of such notice.

Curate not
to quit cu-
racy with-
out three
months
notice to
incumbent
and bishop
under a
penalty.

XCVII. And be it enacted, that no curate shall quit any curacy to which he shall be licensed until after three months notice of his intention given to the incumbent of the benefice and to the bishop, unless with the consent of the bishop, to be signified in writing under his hand, upon pain of paying to the incumbent a sum not exceeding the amount of his stipend for six months, at the discretion of the bishop, such sum to be specified in writing under the hand of the bishop, which sum may in such case be retained out of the stipend if the same or any part thereof shall remain unpaid, or, if the same cannot be retained out of the stipend, may be recovered by the spiritual person holding the benefice by action of debt.

XCVIII. And

XCVIII. And be it enacted, that it shall be lawful for the bishop to license any curate who is or shall be actually employed by any non-resident incumbent of any benefice within his diocese although no express nomination of such curate shall have been made to such bishop by the incumbent; and that the bishop shall have power, after having given to the curate sufficient opportunity of showing reason to the contrary, to revoke, summarily and without further process, any licence granted to any curate, and to remove such curate, for any cause which shall appear to such bishop to be good and reasonable: Provided always, that any such curate may, within one month after service upon him of such revocation, appeal to the archbishop of the province, who shall confirm or annul such revocation as to him shall appear just and proper.

Bishop may license curates employed without nomination, revoke any licence, and remove the curate, subject to appeal to the archbishop.

XCIX. And be it enacted, that in every case in which a benefice shall be under sequestration, except for the purpose of providing a house of residence as aforesaid, it shall be lawful to the bishop and he is hereby required, if the incumbent shall not perform the duties of the said benefice, to appoint and license a curate or curates thereto, and to assign to him or them a stipend or stipends, not exceeding, in the case of any one such curate, the highest rate of stipend allowed by this act, nor, where more than one curate is appointed, a stipend exceeding one hundred pounds to more than one such curate, such stipend or stipends to be paid by the sequestrator of such benefice out of the profits thereof: Provided always, that not more than one curate shall be appointed to any such benefice in any case in which there is not more than one church, or the population does not exceed two thousand persons.

Bishop may appoint curates to all sequestered benefices.

C. And be it enacted, that upon the avoidance of any benefice by death, resignation, or otherwise, the sequestrator appointed by the bishop shall, out of the profits thereof which shall come to his hands, pay to the curate or curates appointed by such bishop to perform the ecclesiastical duties of such benefice during the vacancy thereof, such

Stipend of curate of sequestered benefice to be paid by sequestrator.

*Pluralities
and
Residence.*

Proviso for payment by succeeding incumbent, where profits during sequestration insufficient.

Licences to curates, and revocations thereof, to be entered in the registry of the diocese.

such stipend or stipends as shall be ordered to be paid to him or them by such bishop, not exceeding the respective stipends allowed by this act, and in proportion only to the time of such vacancy.

CL. Provided always, and be it enacted, that if the profits of such benefice which shall have come to the hands of such sequestrator during the vacancy thereof shall not be sufficient to pay such stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such curate by the succeeding incumbent of such benefice out of the profits thereof; and such bishop is hereby empowered and required, if necessary, to enforce payment of the same by monition, and by sequestration of the profits of such benefice.

CII. And be it enacted, that every bishop who shall grant or revoke any licence to any curate under this act shall cause a copy of such licence or revocation to be entered in the registry of the diocese; and an alphabetical list of such licences and revocations shall be made out by the registrar of each diocese, and entered in a book, and kept for the inspection of all persons, upon payment of three shillings, and no more; and a copy of every such licence and revocation shall be transmitted by the said registrar to the churchwardens or chapelwardens of the parish, township, or place to which the same relates, within one month after the grant of such licence or revocation thereof, to be by them deposited in the parish chest; provided always, that every such registrar shall for every such copy transmitted to such churchwardens or chapelwardens as aforesaid be entitled to demand and receive from the incumbent of such benefice a fee of three shillings, and no more: Provided also, that in case the archbishop shall, on appeal to him, annul the revocation of any such licence, the bishop by whom such revocation shall have been made shall, immediately on receiving notice from the archbishop that he had annulled the same, make such or the like order as is herein-before directed to be made on the revocation of a licence for non-residence

dence being annulled, which order shall be binding on the registrar and churchwardens respectively to whom the same shall be addressed.

*Pluralities
and
Residence.*
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CIII. And whereas in many benefices in Wales and in the counties adjacent thereunto many of the inhabitants are imperfectly or not at all instructed in the English language, and it is expedient that persons to be hereafter instituted or licensed to such benefices should possess an adequate knowledge of the Welsh language: And whereas in and by an act passed in the session of parliament holden in the sixth and seventh years of His late Majesty's reign, intituled "An Act for carrying into effect the Reports of
" the Commissioners appointed to consider the State of
" the Established Church in England and Wales, with
" reference to Ecclesiastical Duties and Revenues, so far
" as they relate to Episcopal Dioceses, Revenues, and
" Patronage," the said commissioners were directed to prepare and lay before His then Majesty in council a scheme for preventing the appointment of any clergyman not fully conversant with the Welsh language to certain benefices with cure of souls in Wales: And whereas it is expedient to repeal such enactment, and instead thereof to enact other provisions of more general and extensive application; be it therefore enacted, that the said enactment shall be and the same is hereby repealed.

*Repeal of
part of
6 & 7 W. 4.
c. 77.*

CIV. And be it enacted, that within the several dioceses of Saint Asaph, Bangor, Llandaff, and Saint David's it shall and may be lawful for the bishop, if he shall think fit, to refuse institution or licence to any spiritual person who after due examination and inquiry shall be found unable to preach, administer the sacraments, perform other pastoral duties, and converse in the Welsh language: Provided always, that any such spiritual person may, within one month after such refusal, appeal to the archbishop of Canterbury, who shall either confirm such refusal or direct the bishop to grant institution or licence, as shall seem to the said archbishop just and proper: Provided also, that nothing herein-before contained shall be construed to affect or abridge any rights which the inhabitants

*Provision
for bene-
fices in cer-
tain Welsh
dioceses.*

*Pluralities
and
Residence.*
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tants of any benefice within the said four Welsh dioceses may at present by law possess of entering a caveat against or objecting in due course of law to the institution, collation, or licence of any spiritual person, or of proceeding to procure the deprivation of any such person.

*Provision
for curates
in certain
Welsh dio-
ceses.*

CV. And be it enacted, that all the provisions and powers of this act relating to the appointment of curates where the ecclesiastical duties are inadequately performed shall, within the several dioceses of Saint Asaph, Bangor, Llandaff, and Saint David's, extend and apply to cases wherein the bishop shall see reason to believe that the ecclesiastical duties of any benefice are not satisfactorily performed by reason of the insufficient instruction in the Welsh language of the spiritual person serving such benefice.

*No spiritual
person to
serve more
than two
benefices in
one day.*

CVI. And be it enacted, that no spiritual person shall serve more than two benefices in one day unless in case of unforeseen and pressing emergency, in which case the spiritual person who shall so have served more than two benefices shall forthwith report the circumstance to the bishop of the diocese.

*Provisions
relating to
bishops to
apply to
archbishops
in their own
dioceses.*

CVII. And be it enacted, that all the powers, authorities, provisions, regulations, matters, and things in this act contained, in relation to bishops in their dioceses, shall extend and be construed to extend to the archbishops in the respective dioceses of which they are bishops, and also in their own peculiar jurisdiction, as fully and effectually as if the archbishops were named with the bishops in every such case.

*Power of
archbishops
and bishops
as to ex-
empt or
peculiar
benefices,
&c.*

CVIII. And be it enacted, that every archbishop and bishop, within the limits of whose province or diocese respectively any benefice, exempt or peculiar, shall be locally situate, shall, except as herein otherwise provided, have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this act, and for enforcing the same with regard thereto respectively, as such archbishop and bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such arch-
bishop

bishop or bishop; and where any benefice, exempt or peculiar, shall be locally situate within the limits of more than one province or diocese, or where the same or any of them shall be locally situate between the limits of the two provinces, or between the limits of any two or more dioceses, the archbishop or bishop of the cathedral church to whose province or diocese the parish church of the same respectively shall be nearest in local situation shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this act, and enforcing the same, with regard thereto respectively, as such archbishop or bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively, and the same for all the purposes of this act shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop; provided that the peculiars belonging to any archbishoprick or bishoprick, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act as for all other purposes of ecclesiastical jurisdiction.

*Pluralities
and
Residence.*
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CIX. And be it enacted, that in every case in which jurisdiction is given to the bishop of the diocese or to any archbishop, under the provisions of this act, and for the purposes thereof, and the enforcing the due execution of the provisions thereof, all other and concurrent jurisdiction in respect thereof shall, except as herein otherwise provided, wholly cease, and no other jurisdiction in relation to the provisions of this act shall be used, exercised, or enforced, save and except such jurisdiction of the bishop and archbishop under this act; any thing in any act or acts of parliament, or law or laws, or usage or custom, to the contrary notwithstanding.

Where jurisdiction is given to bishop, &c. all concurrent jurisdiction to cease.

CX. And be it enacted, that every sequestration issued under the provisions of this act shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations, and the sums to be thereby recovered, except such sequestrations as shall

Sequestrations under this act to have priority.

*Pluralities
and
Residence.*
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shall be founded on judgments duly docketed before the passing of this act, and also except such sequestrations as shall have been issued before any sequestration under this act under the provisions of an act passed in the seventeenth year of the Reign of King George the Third, for promoting the residence of the parochial clergy, and the monies to be recovered by such excepted sequestrations respectively.

The mode
of appeal-
ing to the
archbishop
of the pro-
vince.

CXI. And be it enacted, that all appeals under the provisions of this act to any archbishop shall be in writing signed by the party appealing; and that in order to discourage frivolous appeals no proceeding shall be had in any such appeal until the appellant shall, if required, have given security in such form and to such amount as the archbishop shall direct of payment to the bishop of such costs as shall be awarded by the archbishop if he shall decide against the appellant; and that after such security, if required, shall have been given, the said archbishop shall forthwith, either by himself or by some commissioner or commissioners appointed under his hand from among the other bishops of his province, make or cause to be made inquiry into the matter complained of, and shall after such inquiry, and in the latter case after a report in writing from his said commissioner or commissioners, give his decision in such appeal in writing under his hand; and when he shall decide the merits of the appeal against the appellant he shall also award and direct whether any and what amount of costs shall be paid by the appellant to the bishop respondent; and in like manner when he shall decide in favour of the appellant he shall also award and direct whether any and what amount of costs shall be paid by the bishop respondent to the appellant.

Regula-
tions re-
specting
monitions
and seques-
trations.

CXII. And be it enacted, that in all cases in which proceedings under this act are directed to be by monition and sequestration, such monition shall issue under the hand and seal of the bishop, and such monition, and any other instrument or notice issued in pursuance of the provisions of this act, and not otherwise specially pro-
vided

vided for, shall be served personally upon the spiritual person therein named or to whom it shall be directed, by showing the original to him and leaving with him a true copy thereof, or, in case such spiritual person cannot be found, by leaving a true copy thereof at his usual or last known place of residence, and by affixing another copy thereof upon the church door of the parish in which such place of residence shall be situate, and also, in the case of such monition, by leaving another copy thereof with the officiating minister or one of the churchwardens of the said parish, and also by affixing another copy thereof on the church door of the parish in which the benefice of such spiritual person shall be situate; and such monition or other instrument, or notice as aforesaid, shall, immediately after the service thereof, be returned into the consistorial court of such bishop, and be there filed, together with an affidavit of the time and manner in which the same shall have been served; and thereupon, in case of such monition, it shall be competent to the party monished to show cause, by affidavit or otherwise, as the case may require, why a sequestration should not issue according to the tenor of such monition; and if such spiritual person shall not, within the time assigned by such monition, show sufficient cause to the contrary, such sequestration shall issue under the seal of the consistorial court of such bishop, and shall be served and returned into the registry of such court in like manner as is herein-before directed with respect to monitions issued under the provisions of this act.

*Pluralities
and
Residence.*

CXIII. Provided always, and be it enacted, that in any case of non-residence in which a monition shall have been served upon any spiritual person under the provisions of this act, requiring such spiritual person to reside on his benefice, no sequestration shall issue until an order requiring such spiritual person to proceed and reside upon such benefice within thirty days, as herein-before enacted, shall have been served upon him in the same manner as is herein-before directed as to the service of monitions.

Sequestration not to issue after monition to reside, until service of order.

CXIV. And

Recovery
of penalties
against
spiritual
persons.

CXIV. And be it enacted, that all penalties and forfeitures which shall be incurred under this act by any spiritual person holding a benefice shall and may be sued for and recovered in the court of the bishop of the diocese in which such benefice is situate, and by some person duly authorized for that purpose by such bishop by writing under his hand and seal, and in no other court and by or at the instance of no other person whatever; and that the payment of every such penalty or forfeiture, together with the reasonable expence incurred in recovering the same, shall and may be enforced by monition and sequestration; and that it shall and may be lawful for such bishop, by any order made for that purpose in writing under his hand, and to be registered in the registry of the diocese, which the registrar is hereby required to do, to direct that every such penalty or forfeiture so recovered as aforesaid, and which shall not have been remitted in whole or in part, or so much thereof as shall not have been remitted, shall be applied towards the augmentation or improvement of such benefice or of the house of residence thereof, or of any of the buildings or appurtenances thereof.

Recovery
of fees, &c.

CXV. And be it enacted, that all fees, charges, costs, and expences incurred or directed to be paid by any spiritual person holding any benefice under the provisions of this act, which shall remain unpaid for the period of twenty-one days after demand thereof in writing delivered to or left at the usual or last place of abode of such spiritual person, may be recovered by monition and sequestration: Provided always, that it shall be lawful for the person or persons of whom any such fees, costs, charges, and expences shall be so demanded to apply to the bishop of the diocese to order the taxation thereof, and such bishop shall thereupon order some proper person to tax and settle the same; and the certificate of allowance, by the person so to be appointed, of such fees, costs, charges, and expences so to be taxed, shall be final.

CXVI. And

CXVI. And be it enacted, that if the registrar of any diocese shall refuse or neglect to make any entry, or to do any other matter or thing prescribed by this act, he shall forfeit for every such refusal or neglect the sum of five pounds. Penalty on registrar for neglect.

CXVII. And be it enacted, that all penalties and forfeitures under this act incurred by persons not spiritual, or by spiritual persons not holding benefices, shall be sued for and recovered by any person who will sue for the same by action of debt in any of Her Majesty's courts of record at Westminster. Recovery of penalties against laymen or unbeficed clergymen.

CXVIII. And be it enacted, that no penalty shall be recovered against any spiritual person, under the provisions of this act, other or further than those which such spiritual person may have incurred subsequent to the first day of January in the year immediately preceding the year in which such proceedings shall be commenced. Penalties not recoverable for more than one year.

CXIX. And be it enacted, that all penalties recovered under the provisions of this act, the application of which is not specially directed thereby, shall be paid over to the treasurer of the governors of the bounty of Queen Anne, to be applied to the purposes of the said bounty. Application of penalties.

CXX. And be it enacted, that for all the purposes of this act, except as herein otherwise provided, the year shall be deemed to commence on the first day of January, and be reckoned therefrom to the thirty-first day of December, both inclusive. Commencement and conclusion of the year.

CXXI. And be it enacted, that for all the purposes of this act the months therein named shall be taken to be calendar months, except in any case in which any month or months are to be made up of different periods less than a month, and in every such case thirty days shall be deemed a month. How months to be calculated.

CXXII. And be it enacted, that in every case where by the provisions of this act the copy of any licence is required to be filed or entered in the registry of the diocese, a copy thereof, certified by the registrar, shall be admissible as evidence in all courts and places whatever. Certified copy of entry of licence to be evidence.

Statements
how to be
verified.

CXXIII. And be it enacted, that when authority is given by this act to any archbishop or bishop to require any statement or facts to be verified by evidence, or to inquire or to cause inquiry to be made into any facts, such archbishop or bishop may require any such statement or any of such facts to be verified in such manner as the said archbishop or bishop shall see fit; and that when any oath, affidavit, or affirmation or solemn declaration is or may be by or in pursuance of the provisions of this act required to be made, such oath, affidavit, or affirmation or solemn declaration shall and may be made either before such archbishop or bishop, or the commissioner or commissioners, or one of them, of such archbishop or bishop respectively, or before some ecclesiastical judge or his surrogate, or before a justice of the peace, or before a master or master extraordinary in Chancery, who are hereby authorized and empowered in all and every of the cases aforesaid to administer such oath, affidavit, and affirmation, or to take such declaration, as the case may be.

Definition
of the term
"cathedral
preferment,"

CXXIV. And be it enacted, that in all cases where the term "cathedral preferment" is used in this act, it shall be construed to comprehend (unless it shall otherwise appear from the context) every deanery, archdeaconry, prebend, canonry, office of minor canon, priest vicar, or vicar choral, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church, and every mastership, wardenship, and fellowship in any collegiate church; and that in all cases where the term "benefice" is used in this act, the said term shall be understood and taken to mean benefice with cure of souls, and no other, (unless it shall otherwise appear from the context,) and therein to comprehend all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging or reputed to belong, or annexed

and "benefice."

annexed or reputed to be annexed, to any church or chapel, any thing in any other act to the contrary notwithstanding.

*Pluralities
and
Residence.*

CXXV. And be it enacted, that in every case in which the consent of, or the execution of any deed or deeds, instrument or instruments by, the patron of any cathedral preferment, or of any benefice, sinecure rectory, or vicarage, or the owner or impropiator of any lands, tithes, tenements, or hereditaments, is required for carrying into effect any of the purposes of this act, and also in every case in which it may be necessary to give any notice to any such patron for any of the said purposes, the consent of execution by or notice to the patron or person entitled to make donation or present or nominate to such cathedral preferment, benefice, sinecure rectory, or vicarage, in case the same were then vacant, or the person or persons who shall be in the actual possession, receipt, or perception of the rents, proceeds, or profits of such lands, tithes, tenements, or hereditaments for an estate or interest not less than an estate for life, shall respectively be sufficient.

Who to be
considered
patron.

CXXVI. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, or in which any notice shall be required by this act to be given to the patron of any benefice, and the patronage of such benefice shall be in the Crown, the consent of the Crown to the exercise of such power shall be testified and such notice shall be given respectively in the manner hereinafter mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the Queen's books, the instrument by which the power shall be exercised shall be executed by and any such notice shall be given to the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the Queen's books, such instrument shall be executed by and any such notice shall be given to the Lord High Chancellor, Lord Keeper or Lords Commis-

*How con-
sent of
patron to
be testified
where pa-
tronage in
the Crown.*

*Pluralities
and
Residence.*
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sioners of the Great Seal, for the time being; and if such benefice shall be within the patronage of the Crown in right of the duchy of Lancaster, such instrument shall be executed by and any such notice shall be given to the chancellor of the said duchy for the time being; and the execution of such instrument by and any such notice given to such person or persons shall be deemed and taken for the purposes of this act to be an execution by and a sufficient notice to the patron of the benefice.

How where
patron is
an incapa-
citated
person.

CXXVII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall for the purposes of this act be deemed and taken to be an execution by the patron of the benefice.

How where
patronage
is attached
to the
duchy of
Cornwall.

CXXVIII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, or in which any notice shall be required by this act to be given to the patron of any benefice, and the advowson and right of patronage of such benefice shall be part of the possessions of the duchy of Cornwall, the consent of the patron of such benefice to the exercise of such power shall be testified and such notice shall be given respectively in the manner herein-after mentioned; (that is to say,) the instrument by which the power shall be exercised shall be executed by and any such notice shall be given to the Duke of Cornwall for the time being, if of full age, but if such benefice shall be within the patronage of the Crown in right of the duchy of Cornwall, such instrument shall be executed by and any such notice shall be given to the same person or persons who is or are by this act authorized to testify the consent of the Crown

to

to the exercise of any power given by this act in respect of any benefice in the patronage of the Crown; and the execution of such instrument by and any such notice given to such person or persons shall be deemed and taken for the purposes of this act to be an execution by and a sufficient notice to the patron of the benefice.

*Pluralities
and
Residence.*

CXXIX. And be it enacted, that the distance between any two benefices for the purposes of this act shall be computed from the church of the one to the church of the other by the nearest road or footpath, or by an accustomed ferry; and if on one of the said benefices there be two or more churches, then the distance shall be computed from or to the nearest of such churches, as the case may be; or if on one of such benefices there be no church, then in such manner as shall be directed by the bishop of the diocese in which the benefice proposed to be taken and held by any spiritual person in addition to one already held by him shall be locally situate.

*Distance
how to be
computed.*

CXXX. And be it enacted, that whenever the population of any place shall be required by this act to be ascertained, the same shall be taken from the latest returns of population made under any act of parliament for that purpose at the time when the question shall arise, if such returns shall apply to the case respecting which the question shall be, but if such place shall only form part of a parish or district named in such returns, then such returns shall be taken to represent truly the population of the parish or district named therein, and from them the population of the place required shall be computed, according to the best evidence of which the subject shall be capable.

*Population
how to be
computed*

CXXXI. And be it enacted, that the archbishop of Canterbury, the Lord High Chancellor, and the archbishop of York, with the assistance of the vicars general of the said two archbishops, and of one of the masters of the high court of Chancery, to be selected for that purpose by the Lord High Chancellor, shall ordain and establish tables of fees, and shall have power from time to time to

*Tables of
fees to be
taken by
officers with
respect to
admissions
to bene-
fices, by
whom to be
established.*

*Pluralities
and
Residence.*
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amend or alter such tables of fees, to be taken in respect of donation, presentation, nomination, collation, institution, installation, induction, or licence, or any instrument, matter, or thing connected with the admission of any spiritual person to any cathedral preferment or any benefice throughout England and Wales, by any officer, secretary, clerk, or minister to whom belong the duties of preparing, sealing, transacting, or doing any of such instruments, matters, and things; and before the fees contained in such tables or such amended tables shall be demanded, taken, or received by any of the said persons such tables or amended tables shall be submitted to Her Majesty's privy council, who may disallow the same or any part thereof; and notice shall be given in the London Gazette of such submission to the privy council; and if within the space of three months from the time of giving such notice the same shall not be disallowed, such fees, or such parts thereof as shall not be disallowed, shall from and after the expiration of the said three months be deemed and taken to be lawful fees, and thenceforward such fees, and none others, save only such as may be altered or subsequently ordained, as before provided, shall be demanded, taken, or received by any of such officers, secretaries, clerks, or ministers respectively, under any colour or pretence whatsoever: Provided always, that the said persons shall not ordain or establish any fees exceeding the fee which for the twenty years next preceding the passing of this act shall have been usually taken for or in respect of the same instrument, matter, or thing in case of admission to any cathedral preferment or any benefice within the diocese of London: Provided also, that the said persons shall have power to ordain graduated scales of fees in respect of benefices below the yearly value of five hundred pounds.

Act not
to affect
powers of
bishops.

CXXXII. And be it enacted, that nothing in this act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any powers, authorities, rights, or jurisdiction already vested in or belonging to any arch-
bishop

bishop or bishop under or by virtue of any statute, canon, usage, or otherwise howsoever.

CXXXIII. And be it enacted, that no provision in this act contained shall extend or be construed to extend to that part of the United Kingdom called Ireland.

Act not to
extend to
Ireland.

The FIRST SCHEDULE referred to in the foregoing Act.

QUESTIONS to be annually transmitted by each bishop to every spiritual person holding any benefice within his diocese or jurisdiction.

1. What is the name of your benefice?
2. In what county?
3. Name of incumbent, and date of admission?
4. Is there a glebe house belonging to your benefice?
5. Were you resident in the glebe house, or, there being no glebe house, or none fit for your residence, were you resident in any and what house appointed by the bishop in his licence, during the last year, for the term prescribed by law?
6. Being non-resident, were you performing the duties of your parish for the said time? If so, state where you resided, and at what distance from the church or chapel?
7. Were you in the last year serving any other church or chapel in the neighbourhood as incumbent? If so, state the name thereof, and the distance from the above-named church or chapel; and when and for how long you served the same?
8. Were you serving any other church or chapel in the neighbourhood as curate? If so, state the name thereof, and the distance from your own church or chapel; and when and for how long you served the same?

*Pluralities
and
Residence.*
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9. What are the services in your church? Is a sermon or lecture given at every or which of such services?
10. Were these services duly performed last year? If not, for what reason?
11. What are the services in your chapel or chapels, if any? Is a sermon or lecture given at every or which of such services?
12. Were these services duly performed last year? If not, for what reason?
13. Have you any assistant curate or curates? If so, state his or their names; also whether he or they is or are licensed, and the amount of his or their stipend or respective stipends?
14. If you were non-resident, were you so by licence?
15. If non-resident by licence, state the ground of licence, and the time when it will expire?
16. If non-resident without licence, were you so by exemption?
17. If non-resident by exemption, state the ground of exemption, and whether such exemption was claimed for the whole year, or during what part thereof?
18. If you were non-resident, and did not perform the duties of your benefice, what ecclesiastical duties, if any, were you performing, and where do you now reside?

OBSERVE,—The foregoing questions are to be answered by every incumbent, whether resident or not.

FURTHER QUESTIONS to be answered, in addition to the foregoing, in case the incumbent be non-resident.

19. What is the name of your curate?
20. Does he reside in the glebe house?
21. Does he pay any and what rent or consideration for the use of the glebe house; or is any deduction made on account thereof from the stipend assigned to him in his licence?
22. If not resident in the glebe house, does he reside in the parish?

23. If

23. If not resident in the parish, where does he reside, and at what distance from your church or chapel?

*Pluralities
and
Residence.*

24. Does he serve any other church or chapel as incumbent? If so, state the name thereof, and the distance from your own church or chapel?

25. Does he serve any other church or chapel as curate? If so, state the name thereof, and the distance from your own church or chapel?

26. Is he licensed?

27. What is his salary from you?

28. Has he from you any other allowances or emoluments? State what, and the average value thereof respectively?

29. What is the gross and what is the net annual value of your benefice?

N.B.—All the questions have reference to the year immediately preceding that in which they are transmitted.

The SECOND SCHEDULE referred to in the foregoing Act.

FORM of the MORTGAGE.

THIS indenture, made the day of
in the year of our Lord between the
Right Reverend Father in God Lord Bishop
of of the one part, and of the
other part: Whereas the said bishop, pursuant to the
directions of an act passed in the second year of the reign
of Her Majesty Queen Victoria, intituled “An Act to
“abridge the holding of Benefices in Plurality, and to
“make better Provision for the Residence of the
“Clergy,” hath determined to levy and raise the sum
of pounds, to be laid out and expended in
building, rebuilding, *or* repairing [*as the case shall be*]
the parsonage house and other necessary offices upon the
glebe belonging to the rectory, vicarage, &c. of
[*describing it*], [*or, in purchasing a house and land for*
the

*Pluralities
and
Residence.*
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the residence and occupation of the incumbent of the rectory, &c.] : And whereas the said hath agreed to lend and advance the sum of pounds, upon a mortgage of the glebe, tithes, rent-charges, rents, and other profits and emoluments of the said benefice, pursuant to the directions and the true intent and meaning of the said act. Now this indenture witnesseth, that the said bishop, in consideration of the sum of pounds, paid at or before the sealing and delivery hereof into the hands of (a person *or* persons [*as the case shall be*] nominated by the said bishop to receive the same, pursuant to the directions of the said act (which nomination is hereunto annexed), and which receipt of the said sum of pounds the said have *or* hath acknowledged by an endorsement on this deed), hath granted, bargained, sold, and demised, and by these presents doth grant, bargain, sell, and demise, unto the said his executors, administrators, and assigns, all the glebe lands, tithes, rent-charges, rents, moduses, compositions for tithe, salaries, stipends, fees, gratuities, and other profits and emoluments whatsoever, arising, coming, growing, renewing, or payable to the incumbent of the said benefice in respect thereof, with all and every the rights, members, and appurtenances thereunto belonging ; to have, hold, receive, take, and enjoy the said premises and their appurtenances unto the said his executors, administrators, and assigns, from henceforth for the term of thirty-five years, fully to be complete and ended : Provided always, that if the incumbent for the time being of the said benefice and his successors shall, from and after the expiration of the first year of the said term, yearly and every year (such year to be computed from the date hereof) pay to the said his executors, administrators, and assigns, one thirtieth part of the sum of pounds, until the whole thereof shall be repaid, and at the end of the first and each succeeding year pay interest at the rate of per cent. per annum on the said sum of pounds, or so much thereof as shall from time

**Pluralities
and
Residence.**

, the Right Reverend Father in God

FORM

*Pluralities
and
Residence.*

**FORM of the DEED of PURCHASE of Buildings or Lands
to be annexed to the Benefice.**

THIS indenture, made the day of
in the year of our Lord between *A. B.*
of of the one part, the Right Reverend
Father in God Lord Bishop of
and *E. F.* of patron of the rectory, &c.
of of the other part: Whereas there is no
fit parsonage house belonging to the said rectory, &c.:
And whereas a contract hath been made, by the direc-
tion of the said bishop, with the said *A. B.*, for the
absolute purchase of the house, buildings, and lands
herein-after described, for the price or sum of
pounds, pursuant to the directions of an act passed in
the second year of the reign of Her Majesty Queen
Victoria, intituled "An Act to abridge the holding of
" Benefices in Plurality, and to make better Provision for
" the Residence of the Clergy." Now this indenture
witnesseth, that the said *A. B.*, in consideration of the
sum of pounds to him in hand paid for
the purchase aforesaid, the receipt of which sum the
said *A. B.* hath admitted by an endorsement on the back
of this deed, hath granted, bargained, and sold, and by
these presents doth grant, bargain, and sell, unto the said
E. F. and his heirs, all, &c. [*here insert a full descrip-
tion of the buildings or lands so intended to be conveyed,
with their and every of their rights, privileges, and appur-
tenances*], to hold unto the said *E. F.* and his heirs or
successors [*as the case may be*] in trust for the sole
use and benefit of the incumbent of the said benefice
and his successors, rectors, vicars, &c. [*as the case
may be*] of the said benefice for the time being, for
ever. [*Usual covenants for title to be added.*] In
witness, &c.

ANNO DECIMO SEPTIMO

GEORGII III. REGIS.

(Commonly known as Gilbert's Act.)

C A P. LIII.

An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices.

WHEREAS many of the parochial clergy, for want of proper habitations, are induced to reside at a distance from their benefices, by which means the parishioners lose the advantage of their instruction and hospitality, which were great objects in the original distribution of tithes and glebes for the endowment of churches; for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June one thousand seven hundred and seventy-seven, whenever the parson, vicar, or other incumbent of any ecclesiastical living, parochial benefice, chapelry, or perpetual curacy, being under the jurisdiction of the bishop or other ecclesiastical ordinary, whereon there is no house of habitation, or such house is become so ruinous and decayed, or is so mean, that one year's neat

Incumbent of any ecclesiastical living whereon there is no house, &c. (with the consent of the ordinary and patron)

may borrow money to build one, and mortgage the glebe, tithes, &c. for 25 years.

neat income and produce of such living will not be sufficient to build, rebuild, or put the same, with the necessary offices belonging thereto, in sufficient repair, shall think fit to apply for the aid and assistance intended to be given by this act, it shall and may be lawful for every such parson, vicar, or incumbent (after having procured, from some skilful and experienced workman or surveyor, a certificate containing a state of the condition of the buildings on their respective glebes, and of the value of the timber and other materials thereupon fit to be employed in such buildings or repairs, or to be sold, and also a plan and estimate of the work proposed to be done, (such state and estimate to be verified upon oath taken before some justice of the peace or master in chancery, ordinary or extraordinary,) and laid the same, together with a just and particular account in writing signed by him, and verified upon oath taken as aforesaid, of the annual profits of such living, before the ordinary and patron of the living, and obtained their consent to such proposed new buildings or repairs by writing under their respective hands in the form for that purpose contained in the schedule hereunto annexed,) to borrow and take up at interest in the manner hereafter mentioned such sum or sums of money as the said estimate shall amount unto, after deducting the value of timber or other materials which may be thought proper to be sold, not exceeding two years neat income and produce of such living, after deducting all rents, stipends, taxes, and other outgoings, excepting only the salaries to the assistant curate where such a curate is necessary; and as a security for the money so to be borrowed, to mortgage the glebe, tithes, rents, and other profits and emoluments arising or to arise from such living to such person or persons who shall advance the same, by one or more deed or deeds, for the term of twenty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied according to the terms, conditions, true intent and meaning of this act;

which mortgage deed or deeds shall be made in the forms or to the effect for that purpose contained in the said schedule, and shall bind every succeeding parson, vicar, or incumbent of such living, until the principal and interest, costs and charges, shall be paid off and discharged, as fully and effectually as if such successor had executed the same.

*Residence
Houses.*

II. And be it further enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be kept by the incumbent for the time being; and a copy of every such deed of mortgage shall be registered in the office of the registrar of the bishop of the diocese where the parish lies, or other ordinary having episcopal jurisdiction therein for the time being, after having been first examined by him with the original, which officer shall register the same, and be entitled to demand and receive the sum of five shillings, and no more, for such register; and every such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search; and the said deed, or a copy thereof certified under the hand of the registrar, shall be allowed as legal evidence in case any such mortgage deed shall happen to be lost or destroyed.

Every mortgagee to execute a counterpart of the mortgage, to be kept by the incumbent, &c.

III. Provided always, and be it further enacted, that whenever the principal and interest directed to be paid to the mortgagee under the several provisions of this act shall be in arrear and unpaid for the space of forty days after the same shall become due, it shall and may be lawful for such mortgagee, his executors, administrators, or assigns, to recover the same, and the costs and charges attending the recovery thereof, by distress and sale, in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

On failure of payment of principal and interest for 40 days after due, mortgagee may distrain.

IV. And be it further enacted, that the money so to be borrowed shall be paid into the hands of such person or persons as shall be nominated and appointed to receive and apply the same for the purposes aforesaid by the ordinary, patron, and incumbent by writing under their respective hands in the form for that purpose contained

Money borrowed to be paid to such persons as the ordinary, &c. shall appoint;

in

*Residence
Houses.*

who shall
contract for
the build-
ings, &c.,
and see the
same exe-
cuted, and
pay for
them, &c.

How the
balance re-
maining
shall be dis-
posed of.

in the said schedule, after such nominee shall have given a bond to the ordinary, with sufficient surety, in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this act; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money; and the person or persons so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the ordinary, patron, and incumbent, and shall be specified in an instrument written upon parchment, and signed by them, in the form for that purpose contained in the said schedule, and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs according to the terms of such agreements, and shall take proper receipts and vouchers for the same, and as soon as such buildings or repairs shall be completed, and the money paid, shall make out an account of his receipts and payments, together with the vouchers for the same, and enter them in a book, fairly written, which shall be signed by him, and laid before the ordinary, patron, and incumbent, and examined by them; and when allowed by writing under their respective hands in the form for that purpose contained in the said schedule, such allowance shall be a full discharge to the person so nominated in respect to the said accounts; and if any balance shall remain in the hands of such nominee or nominees, the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said ordinary, patron, and incumbent, or two of them, of which the said ordinary to be one, by order signed by them in the form for that purpose contained in the said schedule, and an account shall also be kept, made out, and allowed of such further disbursements in manner aforesaid; all which accounts, when made out, com-
pleted,

pleted, and allowed, shall be deposited, with the vouchers, in the hands of the said registrar, and kept by him for the use and benefit of the incumbents of such living for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar or deputy registrar the sum of one shilling for every such inspection.

*Residence
Houses.*

V. Provided always, and be it further enacted, that every such ordinary, before he or they shall signify his or their consent in manner aforesaid, shall cause an inquiry to be made, and certified to him or them, by the archdeacon, chancellor of the diocese, or other proper persons living in or near the parish where such buildings are proposed to be made or repaired, in the forms for that purpose specified in the said schedule, of the state and condition of such buildings at the time the incumbent entered upon such living or benefice, how long such incumbent had enjoyed such living or benefice, what money he had received or may be entitled to receive for dilapidations, and how and in what manner he had laid out what he had so received; and if it shall appear to them that such incumbent had by wilful negligence suffered such buildings to go out of repair, then to certify the same to the said ordinary, and also the amount of the damage which such buildings had sustained by the wilful neglect of such incumbent; and such incumbent, if the ordinary require it, shall pay the same into the hands of the nominee or nominees to be appointed under the authority of this act, towards defraying the expences of building or repairs, before the ordinary shall give his consent as aforesaid.

Ordinary
to cause en-
quiry to be
made of the
condition of
the build-
ings when
the incum-
bent en-
tered on the
living, &c.

VI. And be it further enacted, that the incumbent of every such living or benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall and he and they is and are hereby required to pay the interest arising upon every such mortgage yearly as the same shall become due, or within one month after, and also five pounds per centum per annum of the principal remaining due by

Directions
for pay-
ment of the
principal
and interest
of the mort-
gages.

Every incumbent who shall not reside 20 weeks in each year upon his living shall pay 10*l.* per cent. of the principal, &c., and every incumbent paying only 5*l.* per cent. per ann. of principal to produce a certificate of his residence, under the hands of two rectors, &c., and as soon as the buildings are completed, to insure them against fire.

Proportioning the annual payment in case of death or other avoidance.

yearly payments; and that every such incumbent who shall not reside twenty weeks in each year upon such living, computing such year from the date of the said mortgage deed, shall, instead of the said sum of five pounds per centum per annum, pay the sum of ten pounds per centum per annum of the principal remaining due by yearly payments, such payments to be respectively made at the same time such interest shall be paid, until the whole principal money and interest shall be fully paid and discharged; and that every such incumbent who shall pay only five pounds per centum per annum of such principal money, shall, at the time he pays the same, produce and deliver to the mortgagee a certificate under the hands of two rectors, vicars, or officiating ministers of some parishes near adjoining, signifying that he had resided twenty weeks upon the said living or benefice within the year for which such payment became due, according to the regulations aforesaid, which certificate shall be in the form or to the effect contained in the said schedule; and that every such incumbent shall annually, at his own expence, from the time such buildings authorized to be made by this act shall be completed, insure, at one of the public offices established in London or Westminster for insurance of houses and buildings, the house and other buildings upon such glebe against accidents by fire, at such sum of money as shall be agreed upon by the ordinary, patron, and incumbent; and in default of the payment of either the principal or interest in manner aforesaid, or neglect of the incumbent to make such insurance, the ordinary shall have power to sequester the profits of the living till such payment or insurance shall be made.

VII. And in order that the payment of such year may be justly and equitably ascertained and adjusted between the successor and the parson, vicar, or incumbent avoiding such living or benefice by death or otherwise, or his representatives in case of death or other avoidance, in such proportions as the profits of such living shall have been received by them respectively for the year in which such death

death or avoidance shall happen, be it further enacted, that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor, and the other by the person making such avoidance, or his representatives in case of his death; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the ordinary, whose determination shall be final and conclusive between the parties; which nominations and determinations shall be made according to the forms for that purpose contained in the said schedule as near as conveniently may be.

VIII. And be it further enacted, that where there shall be no house of habitation upon any ecclesiastical living or benefice so described as aforesaid exceeding in clear yearly value one hundred pounds per annum, or being one the same shall be so mean or in such a state of decay as aforesaid, and the incumbent shall not reside in the parish twenty weeks within any year, computing the same from the first day of January, it shall be lawful for the ordinary of such living or benefice, with the consent of the patron, (in case the incumbent shall not think fit to lay out one year's income, where the same may be sufficient to put the house and buildings in proper and sufficient repair, or to make such application as aforesaid for building, repairing, or rebuilding such parsonage house,) to procure such plan, estimate, and certificate as herein directed, and at any time within the course of the succeeding year to proceed in the execution of the several purposes of this act in such manner as the parson, vicar, or incumbent is hereby authorized and directed to proceed, and to make and execute such mortgage as aforesaid, which shall be binding upon the incumbent and his successors; and he and they shall be and are hereby

*Residence
Houses.*

The ordinary of any living worth 100*l.* per ann. which has no proper house of habitation may (if the incumbent neglect to make application, &c.) procure an estimate, &c., and proceed in the execution of this act in such manner as the parson is directed to proceed.

*Residence
Houses.*

made liable to the payment of the interest, principal, and costs ; and every such incumbent, and his representatives, shall be and are hereby also made respectively liable to the proportion of the payments for the year which shall be growing at the time of the death of such incumbent or avoidance of such living, according to the directions aforesaid ; which said interest, principal, and costs, and proportion of payments growing at the time of the death of such incumbent or avoidance, shall and may be recovered against such incumbent, his successors or representatives respectively, by action of debt in any court of record.

All money received for dilapidations, &c. shall be applied in part of the payments under the aforesaid estimate, or in making some additional improvements, &c.

IX. And be it further enacted, that all sum and sums of money recovered or received by suit or compositions from the representatives of any former incumbent of such living or benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid ; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed and the money paid for the same, shall be applied, as soon as received, in payment of the principal then due, as far as the same will extend ; or in case the said mortgage money shall have been discharged, all such money arising from dilapidations shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the ordinary, patron, and incumbent in case such nominee shall be dead or shall decline to act therein, to be laid out and expended in making some additional buildings or improvements upon the glebe of such living or benefice, to be approved by the ordinary, patron, and incumbent, and in the meantime, or in case such buildings shall not be necessary, then in trust to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

Where new buildings are necessary for the

X. Provided always, and be it further enacted, that where new buildings are necessary to be provided or erected for the habitation and residence of the rector, vicar,

vicar, or other incumbent, pursuant to the authority hereby given, it shall and may be lawful for the ordinary, patron, and incumbent of every such living or benefice to contract, or to authorize, if they shall think fit, the person so to be nominated by them as aforesaid to contract, for the absolute purchase of any house or buildings in a situation convenient for the habitation and residence of the rector or vicar of such living or benefice, and not at a greater distance than one mile from the church belonging to such living, benefice, or chapelry, and also to contract for any land adjoining or lying convenient to such house or building, or to the house or building belonging to any parochial living or benefice having no glebe lying near or convenient to the same, not exceeding two acres if the annual value of such living, to be ascertained as aforesaid, shall be less than one hundred pounds per annum, nor two acres for every one hundred pounds per annum if of greater value, and to cause the purchase money for such house or buildings to be paid out of the money to arise under the powers and authorities of this act; in all which cases the said buildings and lands shall be conveyed to the patron of such living or benefice, and his heirs, in trust for the sole use and benefit of the rector, vicar, or other incumbent of such living or benefice for the time being, and their successors, and shall be annexed to such church or chapel, and be enjoyed and go in succession with the same for ever; but no contract so made by the nominee shall be valid until confirmed by the ordinary, patron, and incumbent by writing under their hands; and every such purchase deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner and in such office as the other deeds are hereby directed to be registered.

residence of the incumbent, the ordinary, &c. may purchase any convenient house within one mile of the church, and a certain portion of land.

XI. Provided also, and be it further enacted, that when any such land lying near to the parsonage house and buildings belonging to such living or benefice, or to be so purchased or exchanged as aforesaid, shall be thought fit to be taken and used as a convenience for the same,

Purchase money for such land to be raised by sale, &c. of part of the glebe or tithes.

Residence
Houses.

the purchase money or equivalent for such land shall be raised and had by sale or exchange of some part of the glebe or tithes of such living or benefice which shall appear to the said ordinary, patron, and incumbent most convenient for that purpose; and every such sale or exchange shall be by deed in the form or to the effect contained in the schedule hereunto annexed, and registered as herein before directed.

Governors
of Queen
Anne's
bounty em-
powered to
lend certain
sums to
promote the
execution
of this act.

XII. And be it further enacted, that it shall and may be lawful for the governors authorized or appointed to regulate and superintend the bounty given by Her late Majesty Queen Anne for the augmentation of the maintenance of the poor clergy to advance and lend any sum or sums of money, not exceeding the sum of one hundred pounds in respect of each living or benefice, out of the money which has arisen or shall from time to time arise from that bounty, for promoting and assisting the several purposes of this act with respect to any such livings or benefices as shall not exceed the clear annual improved value of fifty pounds; and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are herein-before mentioned, but no interest shall be paid for the same; and in cases where the annual value of such living or benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said governors to advance and lend, for the purposes of this act, any sum not exceeding two years income of such living or benefice upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same, not exceeding four pounds for one hundred pounds by the year.

Colleges in
Oxford and
Cambridge,
and other
corporate
bodies pa-
trons of
livings, may
lend any
sums, with-
out interest,

XIII. And be it further enacted, that it shall and may be lawful for any college or hall within the universities of Oxford and Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical livings or benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act for the building, rebuilding, repairing, or purchasing of

any houses or buildings for the habitation and convenience of the clergy upon livings or benefices under the patronage of such college or hall, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

to aid the execution of this act.

XIV. And be it further enacted, that whenever the patron of any living or benefice to which the provisions of this act are proposed to be extended shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of every such patron to transact the several matters aforesaid for such patron, who shall be bound thereby in such manner as if he or she had been of full age, of sound mind, or feme sole, and had done such act or given his or her consent thereto.

Who is to act for any patron who shall be a minor, lunatic, &c.

XV. Provided also, and be it further enacted, that all acts herein-before required to be done or consented to by the ordinary and patron shall be done by the ordinary alone when such ordinary shall happen to be the patron of the living; and that no deed, bond, transfer, or other writing, instrument, or proceeding made, had, or done, under the powers or authority of this act, shall be charged or chargeable with any stamp duty or fee of office except as herein mentioned, any law or statute to the contrary notwithstanding.

Writings not liable to stamp duty.

XVI. Provided always, and it is hereby further enacted, that in all cases where any act is required to be done by the ordinary in the execution of any of the purposes of this act, and such ordinary shall be a body corporate aggregate, every such act shall be done and signified under the seal of such body corporate.

Proviso when the ordinary shall be a body corporate, &c.

XVII. Provided always, and be it further enacted, that where the incumbent of any chapelry or perpetual cure shall be nominated by the rector or vicar of the parish wherein the same is situated, in every such case the consent of such rector or vicar, together with the consent of the patron of such rectory, shall be necessary in all such matters wherein the consent of the patron is required by the former provisions of this act.

In certain cases the consent of the rector, &c. necessary.

Disputes touching the residence to be determined by the ordinary.

XVIII. Provided likewise, and be it further enacted, that whenever any controversy or dispute shall arise touching the residence of the incumbent with respect to any of the matters contained in this act, the same shall be adjusted and determined by the ordinary of the diocese.

Patron, &c. to make allowance to persons for applying the money, &c.

XIX. Provided also, and be it further enacted, that it shall and may be lawful for the patron, ordinary, and incumbent of any such living or benefice as aforesaid, or any two of them, of which the ordinary to be one, by writing under their hands, to make such allowance to the person or persons to be nominated by them for the purpose of paying and applying the money so to be raised as aforesaid as they shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

In what manner the consent of the Crown shall be made known in all cases where the patronage shall be in the Crown.

XX. Provided also, and be it further enacted, that in all cases where the patronage of any living or benefice herein-before described shall be in the Crown, and such living or benefice shall be above the yearly value of twenty pounds in the King's books, the consent of the Crown to the several proceedings hereby authorized respecting such living or benefice shall be signed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; but if such living or benefice shall not exceed the value of twenty pounds in the King's books, such consent shall be signified by the Lord High Chancellor, Lord Keeper or Commissioners of the Great Seal for the time being; or if such living or benefice shall be within the patronage of the Crown in right of the duchy of Lancaster, then such consent shall be signified by the Chancellor of the duchy for the time being, by writing under their respective hands, in the form or to the effect for that purpose contained in the schedule hereunto annexed; and that in all such cases where such deed is hereby required to be executed by the patron as well as the ordinary and incumbent, such deed shall be valid and effectual to all intents and purposes whatsoever if executed by the ordinary and incumbent only.

only, after such consent shall have been obtained as aforesaid from the said Lord High Treasurer, First Commissioner of the Treasury, Lord Chancellor, Lord Keeper, Lords Commissioners of the Great Seal, or Chancellor of the duchy of Lancaster respectively, as the case shall be, provided such consent shall be registered at the register office aforesaid.

*Residence
Houses.*
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XXI. And be it further enacted, that it shall and may be lawful for any archbishop or bishop of any diocese, and also for any ecclesiastical corporation, sole or aggregate, being lord or lords of any manor within which there shall be any waste or common lands, parcel of the demesnes of such manor, lying convenient for the house and buildings, and other the purposes of this act, to grant a part or parts of such waste or common lands in perpetuity for the several purposes of this act, leaving sufficient common for the several persons having right of common upon such wastes or commons, and obtaining the consent of the lessee of such lands if the same shall be in lease.

Arch-
bishops, &c.
who are
lords of
manors
which con-
tain any
waste lands
convenient
for the pur-
poses of this
act to
grant a
part thereof
in perpe-
tuity, &c.

*Residence
Houses.*

ANNO VICESIMO PRIMO

GEORGII III. REGIS.

C A P. LXVI.

An Act to explain and amend an Act made in the Seventeenth Year of the Reign of His present Majesty, intituled "An Act to promote the Residence of the " Parochial Clergy, by making Provision for the more " speedy and effectual building, rebuilding, repairing, " or purchasing Houses and other necessary Buildings " and Tenements for the Use of their Benefices."

17 G. 3.
c. 53.

WHEREAS by an act passed in the seventeenth year of the reign of His present Majesty, intituled "An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices," it is enacted, amongst other things, that the incumbent of every living or benefice of which the glebe, tithes, rents, and profits shall be mortgaged for the purposes of the said act shall pay the interest arising upon every such mortgage yearly as the same shall become due, and also five pounds per centum per annum if such incumbent was resident, and ten pounds per centum per annum if non-resident, of the principal remaining due, by yearly payments, which words, if literally understood and observed, would, contrary to the true intent and meaning of the said act, render the discharge of the principal sum impracticable, and thereby discourage persons from lending money upon such securities:

rities: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the incumbent of every living or benefice of which the glebes, tithes, rents, and profits have been or shall be mortgaged for the purposes of the said act shall from and after the passing of this act well and truly pay or cause to be paid to every such mortgagee, over and besides the interest of the principal money due upon such mortgage, the sum of five pounds per centum per annum if resident, or ten pounds per centum per annum if non-resident, of the money originally advanced upon such mortgage, until the whole of the said principal money shall be discharged; and if upon any such mortgage or mortgages already made less shall have been paid by the present incumbent than what is hereby directed to be paid, he shall and he is hereby required, within six months after the passing of this act, to make up the deficiency; and in default of payment thereof within the time aforesaid the same shall be recovered in such and the same manner as the interest is recoverable by virtue of the provisions in the said recited act.

II. And be it further enacted, that the forms contained in the said schedule respecting the allowance of accounts, and the bond and receipt to be given by the nominee as directed by the said recited act, or forms to the like effect, shall be observed and complied with in the execution of this and the said recited act.

III. And be it further enacted, that this act and every thing herein contained shall be deemed, adjudged, and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

*Residence
Houses.*

The incumbent of every living whereof the glebes, &c. have been or shall be mortgaged for the purposes of the recited act shall pay to the mortgagee, besides interest, 5 per cent. per ann. of the principal if resident, or 10 per cent. if non-resident.

Forms in the schedule to be observed.

Public act.

*Residence
Houses.*

ANNO PRIMO

VICTORIÆ REGINÆ.

C A P. XXIII.

*An Act to amend the Law for providing fit Houses for the
beneficed Clergy.* [9th May 1838.]

17 G. 3.
c. 53.

21 G. 3.
c. 66.

Extension
of the pro-
visions of

WHEREAS for further promoting the residence of the clergy it is expedient and desirable that the powers and provisions given and made by an act passed in the seventeenth year of the reign of King George the third, intituled “An Act to promote the Residence of
“ the Parochial Clergy by making Provision for the more
“ speedy and effectual building, rebuilding, repairing,
“ or purchasing Houses and other necessary Buildings
“ and Tenements for the Use of their Benefices,” as the same are explained and amended by an act passed in the twenty-first year of the same reign, intituled “An Act
“ to explain and amend an Act made in the Seventeenth
“ Year of the Reign of His present Majesty, intituled
“ ‘An Act to promote the Residence of the Parochial
“ Clergy, by making Provision for the more speedy and
“ effectual building, rebuilding, repairing, or purchasing
“ Houses and other necessary Buildings and Tenements
“ for the Use of their Benefices,’ ” should be extended: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and immediately after the passing of this act it shall be lawful for the incumbent of any benefice to
borrow

borrow and take up at interest for the purposes of the said acts, and also for the purpose of buying or procuring, if necessary, a proper site for a house and other necessary buildings, or for the purposes of the said acts only, any sum or sums of money not exceeding three years net income of such benefice, and to take all such proceedings as are required in and by the said acts (so far as the same are applicable for that purpose), and, as a security for the money so to be borrowed, to mortgage the glebe, tithe, rent charges, rents, and other profits and emoluments belonging to such benefice, to such person or persons, corporation or corporations aggregate or sole, as shall lend the same money, by one or more deed or deeds, for the term of thirty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied, according to the terms and conditions of the said acts (so far as the same are applicable, and not hereby repealed or altered); and that from and after the expiration of the first year of the said term (in which year no part of the principal sum borrowed shall be repayable) the incumbent shall yearly and every year (such year to be computed from the day of the date of the mortgage) pay to the mortgagee one thirtieth part of the said principal sum, until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year pay the early interest on the said principal sum, or on so much thereof as shall from time to time remain unpaid, in each case according to the terms and conditions of the said acts, except so far as the same are hereby repealed or altered; and such mortgage deed or deeds shall be made as nearly as may be in the form or to the effect of the form contained in the schedule to the said acts or one of them, and shall bind every succeeding incumbent of such benefice until the principal and interest, costs, and charges, shall be paid off and discharged, as fully and effectually as if such successor had made and executed the same.

recited acts relating to the repairing and building of houses of residence.

II. And

Repeal of so much as requires non-residents to pay 10*l.* per cent. per ann. of sum borrowed, &c.

The yearly instalments of principal sums secured by existing mortgages to the governors of Queen Anne's bounty reduced.

II. And be it enacted, that so much of the said acts as requires the incumbent of a benefice mortgaged under the provisions thereof, if non-resident, to pay ten pounds per centum per annum of the money originally advanced, and obliges an incumbent paying five pounds per centum per annum to produce a certificate of residence, shall be and the same are hereby repealed as to all mortgages to be made after the passing of this act.

III. And be it enacted, that for the future, as to every mortgage which has been made to the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, by any bishop, under the powers of an act of parliament specially enabling him, whereby a greater yearly instalment than one thirtieth part of the principal sum is stipulated to be paid, or by the incumbent of a benefice, by virtue of the two before-mentioned acts, the instalment of the principal sum to be paid in every year to the said governors or their assigns by such bishop or by the incumbent (whether such incumbent shall have been resident for the space of twenty weeks in the year for which such instalment shall be payable, or not, and without the production of any certificate of such residence,) shall be one thirtieth part of the principal sum originally advanced on such mortgage, in lieu of the yearly instalment thereby stipulated to be paid, until the whole of the said principal sum shall be fully discharged and paid, such substituted yearly instalment to commence and be paid in each case on the day when the next yearly instalment by virtue of the said mortgage shall become due; and the mortgages made to the said governors of the estates of any bishoprick, or of the glebe, tithes, rents, and other profits and emoluments of any benefice, shall in every case be and remain in force as a security for the yearly instalments of the principal by the said mortgages agreed to be paid, as well as for the payment of the interest arising on such mortgages, and with all the powers and remedies for enforcing the same given by the said respective acts, until the money
borrowed

borrowed and all interest for the same, and also all costs and charges which shall be occasioned by the non-payment thereof, shall be fully paid and discharged, in like manner as if such substituted yearly instalments had been expressly mentioned in and secured by the said mortgages, the expiration of the term of years granted by the said mortgages, or any other cause or matter whatsoever, notwithstanding.

*Residence
Houses.*
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IV. And be it further enacted, that it shall be lawful for the said governors to advance and lend any sum or sums of money not exceeding the sum of one hundred pounds in respect of each benefice, out of the money which has arisen or shall from time to time arise from the said bounty for promoting and assisting the several purposes of the said acts and of this act, with respect to any such benefices as shall not exceed the clear annual improved value of fifty pounds, and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are herein-before mentioned, but no interest shall be paid for the same; and in cases where the annual value of such benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said governors to advance and lend for the same purposes any sum or sums of money to the extent authorized by this act to be borrowed, upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

Governors
of Queen
Anne's
bounty may
advance
100*l.* for
benefices
not exceed-
ing 50*l.* a
year with-
out interest.

V. And be it enacted, that it shall be lawful for any college or hall within the universities of Oxford or Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act, for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation or convenience of the clergy, or sites for such houses and buildings, upon benefices in the patronage
of

Colleges,
&c. may
advance
money in-
terest-free
to benefices
in their pa-
tronage for
houses.

*Residence
Houses.*

Old benefice houses in certain cases may be converted into farming buildings for the tenants of the glebe.

of such colleges or halls respectively, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

VI. And be it enacted, that when it shall happen that any existing house and offices belonging to any benefice shall be unfit for the residence of the incumbent thereof, and shall be incapable of being enlarged or repaired so as to be rendered fit for his residence, and it shall be so certified to the bishop of the diocese wherein such benefice shall be situate by some competent surveyor or architect, and that it will be advantageous to the benefice that such house and offices should be suffered to remain, it shall be lawful for such incumbent, with the consent in writing of such bishop (such consent to be registered in the registry of such bishop), to allow such house and offices to remain standing as a dwelling house and offices, or to convert the same into farming buildings for the use and occupation of the occupier or occupiers of the glebe lands belonging to such benefice; and from and after the complete erection or the purchase of a new house and offices to the satisfaction of the bishop of the diocese, such old house and offices shall from thenceforth be used for and converted to the purposes aforesaid; and the house and offices to be so erected or purchased shall from thenceforth to all intents and purposes be deemed and taken to be the residence house of and for such benefice, without the necessity of obtaining any licence or faculty for that purpose.

Power to incumbent (with consent of patron and ordinary and archbishop) to sell house of residence if inconveniently situated, or under special circumstances.

VII. And be it enacted, that where the residence house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the incumbent of such benefice, and he is hereby authorized and empowered, with the consent and approbation of the ordinary and patron thereof, and of the archbishop of the province, to be signified by their executing the deed of conveyance hereby authorized to be made, absolutely to sell and dispose of such house, gardens, orchard, and appur-

appurtenances, any or either of them, with any land contiguous thereto not exceeding acres, to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary and patron and archbishop shall appear fair and reasonable, and upon payment of the purchase money for the same as herein-after mentioned by deed indented to convey and assure such house, gardens, orchard, land, and appurtenances unto and to the use of the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct or appoint.

*Residence
Houses.*

VIII. And be it enacted, that the monies to arise from such sale or sales as aforesaid shall be paid to the said governors of the bounty of Queen Anne; and that the receipt or receipts of the treasurer for the time being of the said governors shall be and be deemed and taken to be an effectual discharge to the person or persons paying such monies, or for so much thereof as in such receipt or receipts shall be expressed; and after obtaining such receipt or receipts such purchaser or purchasers shall be absolutely discharged from the money for which such receipt or receipts shall be given, and shall not be answerable or accountable for the loss, misapplication, or nonapplication of such monies or any part thereof.

Purchase
monies to
be paid to
the gover-
nors of
Queen
Anne's
bounty;

IX. And be it enacted, that the monies to arise from such sale or sales as aforesaid shall, after payment of all costs, charges, and expences of such sale or sales, be applied and disposed of by the said governors in or towards the erection or purchase of some other house and offices, or the purchase of an orchard, garden, and appurtenances, or land for the site of a house, any or either of them, together with land contiguous thereto, and not exceeding twelve acres, suitable for the residence and occupation of the incumbent of such benefice, and approved of by the said ordinary and patron, such approval to be signified under the respective hands of such ordinary and patron, and to be deposited in the registry of such ordinary; and such house shall from thenceforth be deemed and taken to be

to be ap-
plied to buy
or build a
house for
incum-
bent's re-
sidence.

*Residence
Houses.*

How con-
sent of pa-
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when pa-
tronage in
the Crown.

the house of residence of such benefice for all purposes whatsoever.

X. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patronage of such benefice shall be in the Crown, the consent of the Crown to the exercise of such power shall be testified in the manner herein-after mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the Queen's books, the instrument by which the power shall be exercised shall be executed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the Queen's books, such instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being; and if such benefice shall be within the patronage of the Crown in right of the duchy of Lancaster, such instrument shall be executed by the Chancellor of the said duchy for the time being; and the execution of such instrument by such person or persons shall be deemed and taken for the purposes of this act to be an execution by the patron of the benefice.

How con-
sent to be
given when
patronage
is attached
to the
duchy of
Cornwall.

XI. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by the said acts or by this act, and the advowson and right of patronage of such benefice shall be part of the possessions of the duchy of Cornwall, the consent of the patron of such benefice to the exercise of such power shall be testified in the manner herein-after mentioned; (that is to say,) the instrument by which the power shall be exercised shall be executed by the Duke of Cornwall for the time being, if of full age; but if such benefice shall be within the patronage of the Crown in right of the duchy of Cornwall, such instrument shall be executed by the same person or persons who is or are by the said acts autho-

rized to testify the consent of the Crown to the exercise of any power given thereby in respect of any benefice in the patronage of the Crown; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of the said acts and of this act, to be an execution by the patron of the benefice.

*Residence
Houses.*

XII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron, (but in case of a feme covert with her consent in writing,) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall for the purposes of this act be deemed and taken to be an execution by the patron of the benefice.

How consent to be given where patron is an incapacitated person.

XIII. And be it enacted, that all powers, authorities, provisions, forms, and matters in the said acts contained shall, except as is herein otherwise directed, extend and be applicable, mutatis mutandis, to all mortgages and other instruments made, as well under and for the purposes of this act as of the before-mentioned acts, and as if the same had been respectively repeated and set forth herein.

Remaining powers of recited acts extended to this act.

XIV. And be it enacted, that in the case of a purchase as aforesaid the several powers and provisions contained in an act made and passed in the seventh year of the reign of His Majesty King George the Fourth, intituled “An Act to render more effectual the several Acts now in force to promote the Residence of the Parochial Clergy, by making Provision for purchasing Houses and other necessary Buildings for the Use of their Benefices,” shall be and the same are hereby extended to this act for the purposes aforesaid.

In case of a purchase the powers of act 7 G. 4. c. 66. to apply.

XV. And be it enacted, that every sequestration to be issued under the provisions of the said act of the seven-

Sequestrations act c. 1

have priority.

teenth year of the reign of King George the Third shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations and the sums to be thereby recovered, except such sequestrations as shall be founded on judgments duly signed and docketed before the passing of this act.

Construction of
"benefice"
in this act.

XVI. And be it further enacted, that in the construction of this act the word "benefice" shall be deemed, construed, and taken to extend to and comprise all rectories with cure of souls, vicarages, perpetual curacies, and chapelries, the incumbents of which respectively in right thereof shall be corporations sole.

VICTORIÆ REGINÆ.

An Act to supply an Omission in an Act passed in the present Session of Parliament, intituled "An Act to amend the Law for providing fit Houses for the beneficed Clergy." [4th July 1838.]

WHEREAS an act of parliament was passed in the present session of parliament, intituled “An Act 1 Vict.c.29.
“to amend the Law for providing fit Houses for the benefited Clergy :” And whereas the seventh section of the said act is in the words following ; (that is to say,) “And be it enacted, that where the residence house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the incumbent of such benefice, and he is hereby authorized and empowered, with the consent and approbation of the ordinary and patron thereof and of the archbishop of the province, to be signified by their executing the deed of conveyance hereby authorized to be made, absolutely to sell and dispose of such house, gardens, orchard, and appurtenances, any or either of them, with any land contiguous thereto, not exceeding acres, to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary and patron and archbishop shall appear fair and reasonable, and upon payment of the purchase money
A A 3 for

*Residence
Houses.*

Sect. 7. in
the recited
act to have
the in-
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effect not-
withstand-
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omission.

for the same as herein-after mentioned by deed indented to convey and assure such house, gardens, orchard, land, and appurtenances unto and to the use of the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct or appoint:" And whereas the space in the said recited section of the said act between the words "exceeding" and "acres," which was intended to be supplied with the word "twelve," was inadvertently left blank: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said herein-before recited section of the said act of parliament shall be deemed, construed, and taken to have such and the same effect to all intents and purposes whatsoever as if the said word "twelve" had been originally inserted therein between the words "exceeding" and "acres."

ANNO DECIMO SEPTIMO

CAROLI II. REGIS.

C A P. III.

Part of An Act for uniting Churches in Cities and Towns Corporate.

VII. And be it further enacted by the authority aforesaid, that every owner or proprietor, owners or proprietors of any impropriation, tithes or portion of tithes, in any parish or chapelry within the kingdom of England or dominion of Wales is, are, and shall be, by virtue of this act, enabled and empowered to give or bestow, unite and annex, the same, or any part thereof, unto the parsonage or vicarage of the said parish church or chapel where the same do lie or arise, or settle the same in trust for the benefit of the said parsonage or vicarage, or of the curate and curates there successively, where the parsonage is impropriate and no vicar endowed, according to his or their respective estates, without any licence of mortmain; any law or statute to the contrary notwithstanding.

As to owners of impropriations bestowing, &c. maintenance.

VIII. And be it further enacted, that if the settled maintenance of such parsonages, vicarages, churches, and chapels so united, or of any other parsonage or vicarage with cure, in the kingdom of England or dominion of Wales, shall not amount to the full sum of one hundred pounds per annum clear and above all charges and reprises, that then it shall be lawful for the parson, vicar, and incumbent of the same, and his successors, to

What parsons and vicars may purchase, &c. lands, &c. without licence of mortmain.

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of
Benefices.*
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take, receive, and purchase to him and his successors lands, tenements, rents, tithes, or other hereditaments without any licence of mortmain; any law or statute to the contrary notwithstanding.

ANNO VICESIMO NONO

CAROLI II. REGIS.

C A P. VIII.

An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies.

WHEREAS divers archbishops, bishops, deans, and chapters, and other ecclesiastical persons, in obedience to His Majesty's letters bearing date the first day of June in the twelfth year of His said Majesty's reign, and out of a pious care to improve poor vicarages and curacies where the endowment thereof was found too small to afford a competent maintenance to those that serve the cure, have, since His Majesty's happy return, upon their renewing of leases of rectories or tithes, impropriate or appropriate, made or may hereafter make divers reservations beyond the ancient rent, to the intent the same should or might become payable to the said vicars or curates in augmentation of their endowments, which have been for the most part enjoyed accordingly; but in regard that such reservations were not made to the vicars or curates, or if they were, no convenient remedy could be had by such vicars or curates for the recovery thereof, and they were not at the time thereof capable of taking any interest to their own use, whereby the said provisions will depend upon the good pleasure of the successors, and may in time be disappointed: For the establishment thereof be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the

Augmentations payable since 1st June, 12 Car. 2., and hereafter, to continue during the estate upon which they are reserved, and afterwards.

Remedy for the same.

the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all and every augmentation, of what nature soever, granted, reserved, or agreed to be made payable, or intended to be granted, reserved, or made payable, since the said first day of June in the twelfth year of His said Majesty's reign, or which shall at any time hereafter be granted, reserved, or made payable, to any vicar or curate, or reserved by way of increase of rent to the lessors, but intended to be to or for the use or benefit of any vicar or curate, by any archbishop, bishop, dean, provost, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation, person or persons whatsoever, so making the said reservation out of any rectory impropriate, or portion of tithes belonging to any archbishop, bishop, dean, provost, dean and chapter, or other ecclesiastical corporation, person or persons, shall be deemed and adjudged to continue and be and shall for ever hereafter continue and remain as well during the continuance of the estate or term upon which the said augmentations were granted, reserved, or agreed to be made payable, as afterwards, in whose hands soever the said rectories or portion of tithes shall be or come, which rectories or portion of tithes shall be chargeable therewith, whether the same be reserved again or not; and the said vicars and curates respectively are hereby adjudged to be in the actual possession thereof for the use of themselves and their successors, and the same shall for ever hereafter be taken, received, and enjoyed by the said vicars and curates and their successors as well during the continuance of the term or estate upon which the said augmentations were granted, reserved, or agreed to be made payable, as afterwards; and the said vicars and curates shall have remedy for the same either by distress upon the rectories impropriate or portions of tithes charged therewith, or by action of debt against that person who ought to have paid the same, his executors or administrators, any disability in the person or persons, bodies politic or corporate, or granting, or any disability or incapacity in the vicars or curates

curates to whom or to or for whose use or benefit the same are granted or intended to be granted, the statute of mortmain, or any other law, custom, or other matter or thing whatsoever, to the contrary notwithstanding.

Augmentations of Benefices.
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II. Provided always, that no future augmentation be confirmed by virtue of this act which shall exceed one moiety of the clear yearly value, above all reprises, of the rectory impropriate out of the which the same shall be granted or reserved.

Augmentation exceeding one moiety of yearly value not confirmed.

III. And to the end the said vicars and curates may the better make appear the certainty of the said augmentations, be it enacted by the authority aforesaid, that every archbishop, bishop, dean and chapter respectively, on or before the nine-and-twentieth day of September next coming, shall cause every lease or grant whereon any such augmentation is made to be fairly entered in a book of parchment to be kept by their respective registers for that purpose ; and every dean, archdeacon, prebendary, or other ecclesiastical person respectively shall cause every lease or grant whereon any such augmentation hath been made by himself, his predecessor or predecessors, to be entered in the said book to be kept by the register of the bishop of the diocese, for the entering whereof no fee shall be paid, nor any thing demanded, save only a reasonable reward to the clerk for entering the same, not exceeding five shillings ; which said entry, being examined by the respective archbishop, bishop, or dean, and by them respectively attested in the said book to be a true copy of the original lease or grant, and that the augmentation in the same was intended for such use, shall be as a record, a true copy whereof, proved by witnesses to be a true copy, shall be deemed, taken, adjudged, and expounded to be good and sufficient evidence in the law, whereupon the said vicars and curates respectively shall and may by virtue of this act from time to time recover the benefit of such augmentation.

Augmentation leases where to be entered.

Fee for entering.

Such entry how to be attested ; to be a record and evidence at law.

IV. And be it further enacted by the authority aforesaid, that where any archbishop, bishop, dean and chapter, or any other ecclesiastical corporation or person whatsoever,

Agreements for augmentations to be entered likewise.

*Augmentations
of
Benefices.*

ever, upon the renewing or granting any lease or estate, have made any agreement for an augmentation for the vicar or curate, and such augmentation hath for any time been accordingly paid, although the said agreement is not expressed or mentioned in the said lease or grant, every such ecclesiastical person shall cause the substance of such agreement to be entered in the said book, to remain for a memorial of it to perpetuity.

Such augmentation so entered to continue for the benefit of vicar and curate as if reserved by the lease.

Augmentations to be construed as charitable uses.

V. And be it further enacted, that such augmentation so entered shall likewise continue and be for ever hereafter good and available in the law for the benefit of the vicar or curate for whom it was intended, and their successors, as well against the archbishop, bishop, or other ecclesiastical corporation or person who agreed for the same, and his and their successors, as against every other person enjoying the said rectories or portions of tithes intended to be charged therewith, in the same manner, and for which they shall have the same remedy as they should or ought to have by virtue of this act if the same had been mentioned and reserved in and by the lease; and if any question shall hereafter arise concerning the validity of such grants, or any other matter or thing in this act mentioned and contained, such favourable constructions and such further remedy, if need be, shall be had and made for the benefit of the vicars and curates as heretofore have been had and made or may be had for other charitable uses upon the statutes for charitable uses.

New leases without express continuance of the augmentations void.

VI. Provided always, and be it further enacted by the authority aforesaid, that if upon the surrender, expiration, or other determination of any lease wherein any such augmentation as aforesaid hath been or shall be granted, any new lease of the premises, or any part thereof, shall hereafter be made without express continuance of the said augmentation, every such new lease shall be utterly void to all intents and purposes.

Proviso for a lease of the parsonage of Stourton;

VII. Provided always, that this act or any thing therein contained shall not extend or be construed to invalidate, alter, or make void one lease, bearing date the nineteenth
of

of October one thousand six hundred seventy and six, made by the dean and chapter of York of the parsonage and tithes of Stourton in the county of Nottingham, wherein there is an augmentation of six-and-thirty pounds per annum reserved and made due and payable to the vicar of Stourton aforesaid, but that the said sum of six-and-thirty pounds be always paid to the vicar and his successors accordingly ; any thing in this act contained to the contrary in anywise notwithstanding.

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VIII. Provided, that this act or any thing therein contained shall not extend or be construed to invalidate, alter, or make void one lease lately made by the dean and chapter of Exon unto Arthur Sprey, esquire, of the tithe-sheaf of the parish of Saint Evall in the county of Cornwall, whereon there is an augmentation of twenty pounds per annum already made due and payable to the vicar of the said parish during the said lease, but that the said sum of twenty pounds be always paid to the vicar and his successors accordingly ; any thing in this act contained to the contrary in anywise notwithstanding.

and for a
lease of
St. Evall in
Cornwall.

*Augmentations
of
Benefices.*
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Such augmentation so entered to continue for the benefit of vicar and curate as if reserved by the lease.

Augmentations to be construed as charitable uses.

New leases without express continuance of the augmentations void.

Proviso for a lease of the parsonage of Stourton ;

ever, upon the renewing or granting any lease or estate, have made any agreement for an augmentation for the vicar or curate, and such augmentation hath for any time been accordingly paid, although the said agreement is not expressed or mentioned in the said lease or grant, every such ecclesiastical person shall cause the substance of such agreement to be entered in the said book, to remain for memorial of it to perpetuity.

V. And be it further enacted, that such augmentation so entered shall likewise continue and be for ever hereafter good and available in the law for the benefit of the vicar or curate for whom it was intended, and their successors, as well against the archbishop, bishop, or other ecclesiastical corporation or person who agreed for the same, and his and their successors, as against every other person enjoying the said rectories or portions of tithes intended to be charged therewith, in the same manner and for which they shall have the same remedy as they should or ought to have by virtue of this act if the same had been mentioned and reserved in and by the lease, and if any question shall hereafter arise concerning validity of such grants, or any other matter or thing in this act mentioned and contained, such favourable constructions and such further remedy, if need be, shall be had and made for the benefit of the vicars and curates heretofore have been had and made or may be had and made for other charitable uses upon the statutes for charitable uses.

VI. Provided always, and be it further enacted by the authority aforesaid, that if upon the surrender, expiration or other determination of any lease wherein any such augmentation as aforesaid hath been or shall be granted, any new lease of the premises, or any part thereof, shall hereafter be made without express continuance of the said augmentation, every such new lease shall be utterly void to all intents and purposes.

VII. Provided always, that this act or any thing therein contained shall not extend or be construed to invalidate, alter, or make void one lease, bearing date the nineteenth

of October one thousand six hundred and sixty
made by the said Act touching the said lands
and tithes of the said parish of St. Martin
wherein there is no mention of the said
per annum rent of the said lands
year of Sixteen hundred and sixty and
and thirty years to the said parish and
successors according to the said Act
the contrary is hereby declared void.

VIII. Provided that the said lands
shall not be sold or aliened or
alter, or made to be sold or aliened
chapter of Exeter and the said lands
shall of the said lands and the said
wall, whereas there is no mention of
per annum rent of the said lands
the said parish according to the said
sum of money to be paid by the said
his successors according to the said Act
to the contrary is hereby declared void.

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

C A P. XLV.

An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled "An Act for confirming " and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies ;" and for other Purposes. [15th October 1831.]

29 C. 2. c. 8. **W**HEREAS by an act passed in the twenty-ninth year of the reign of His late Majesty King Charles the second, intituled "An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies," it was amongst other things enacted, that all and every augmentation, of what nature soever, granted, reserved, or agreed to be made payable, or intended to be granted, reserved, or made payable, since the first day of June in the twelfth year of His said Majesty's reign, or which should at any time thereafter be granted, reserved, or made payable, to any vicar or curate, or reserved by way of increase of rent to the lessors, but intended to be to or for the use or benefit of any vicar or curate, by any archbishop, bishop, dean, provost, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation, person or persons whatsoever, so making the said reservation out of any rectory impropriate or portion of tithes belonging to any archbishop, bishop, dean, provost, dean and chapter, or other ecclesiastical corporation, person or persons, should

be deemed and adjudged to continue, and be and should for ever thereafter continue and remain, as well during the continuance of the estate or term upon which the said augmentations were granted, reserved, or agreed to be made payable, as afterwards, in whose hands soever the said rectories or portion of tithes should be or come, which rectories or portions of tithes should be chargeable therewith, whether the same should be reserved again or not; and the said vicars and curates respectively were thereby adjudged to be in the actual possession thereof for the use of themselves and their successors, and the same should for ever thereafter be taken, received, and enjoyed by the said vicars and curates, and their successors, as well during the continuance of the term or estate upon which the said augmentations were granted, reserved, or agreed to be made payable, as afterwards; and the said vicars and curates should have remedy for the same either by distress upon the rectories impropriate or portions of tithes charged therewith, or by action of debt against that person who ought to have paid the same, his executors or administrators, any disability in the person or persons, bodies politic or corporate so granting, or any disability or incapacity in the vicars or curates to whom or to or for whose use or benefit the same were granted or intended to be granted, the statute of mortmain, or any other law, custom, or other matter or thing whatsoever, to the contrary notwithstanding; provided always, that no future augmentation should be confirmed by virtue of the said act which should exceed one moiety of the clear yearly value above all reprises of the rectory impropriate out of which the same should be granted or reserved; and it was thereby also enacted, that if any question should thereafter arise concerning the validity of such grants, or any other matter or thing in that act mentioned and contained, such favourable constructions, and such remedy, if need be, should be had and made for the benefit of the vicars and curates as theretofore had been had and made or might be had for other charitable uses upon the statutes

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Provision
in recited
act limiting
any aug-
mentation
repealed.

Explaining
doubts as
to portion
of tithes,
&c.

Recited act
to extend
to augmen-
tations by
colleges and
hospitals.

statutes for charitable uses : And whereas it is expedient that the powers and provisions of the said act should be amended and enlarged : Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said recited provision by which the amount of any augmentation is restricted and limited to one moiety of the clear yearly value above all reprises of the rectory impropriate out of which the same should be granted and reserved, shall, so far as relates to any augmentation which may be granted after the passing of this act, be and the same is hereby repealed.

II. And whereas doubts may arise by reason of the mention of portion of tithes in the said recited act ; be it enacted, that the provisions of the said recited act shall extend to any augmentation to be made out of tithes, although the same may not be a portion of tithes ; and further, that it shall be lawful, under the power given by the said recited act, to grant, reserve, or make payable any such augmentation as aforesaid to the incumbent of any church or chapel within the parish or place in which the rectory impropriate shall lie, or in which the tithes or portion of tithes shall arise, (as the case may be,) whether such incumbent shall be a vicar or curate, or otherwise : Provided also, that no such augmentation shall be made payable to any other person whomsoever.

III. And be it further enacted, That in every case in which any augmentation shall at any time hereafter be granted, reserved, or made payable to the incumbent of any church or chapel, or reserved by way of increase of rent to the lessors, but intended to be to or for the use or benefit of any incumbent, by the master and fellows of any college, or the master or guardian of any hospital so making the said grant or reservation out of any rectory impropriate, or tithes, or portion of tithes, belonging to the master and fellows of such college, or the master or guardian of such hospital, all the provisions herein-
before

before recited and set forth, except the provision herein-before repealed, shall apply to such case in the same manner as if the same provisions, except as aforesaid, (with such alterations therein as the difference between the cases would require,) were herein expressly set forth and enacted with reference thereto: Provided always, that every such augmentation shall be made to the incumbent of some church or chapel within the parish or place in which the rectory impropriate shall lie, or in which the tithes or portion of tithes shall arise (as the case may be).

*Augmentations
of
Benefices.*
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IV. And be it further enacted, that in every case in which any augmentation shall at any time hereafter be granted, reserved, or made payable to the incumbent of any church or chapel being in the patronage of the grantor or grantors or lessor or lessors, or be reserved by way of increase of rent to the lessor or lessors, but intended to be to or for the use or benefit of any such incumbent, by any archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation, person or persons whatsoever, or the master and fellows of any college, or the master or guardian of any hospital so making the said grant or reservation out of any lands, tenements, or other hereditaments belonging to such archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation, person or persons whatsoever, or the master and fellows of such college, or the master or guardian of such hospital, all the provisions herein-before recited and set forth (except the provision herein-before repealed) shall apply to such case in the same manner as if the same provisions, except as aforesaid, (with such alterations therein as the difference between the cases would require) were herein expressly set forth and enacted with reference thereto.

The same statute to extend to augmentations made by spiritual persons, colleges, and hospitals, out of any hereditaments, to any church or chapel being in their patronage.

V. Provided also, and be it further enacted and declared, that every augmentation which at any time hereafter shall be granted, reserved, or made payable, either under the power given by the said recited act or under

All such augmentations to be in the form of annual rents.

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Benefices.*

Where hereditaments in lease, a part of the reserved rent may be granted as an augmentation.

either of the powers herein-before contained, shall be in the form of an annual rent, and that the provisions of the said recited act, and the provisions herein-before contained, shall not apply to any other kind of augmentation whatsoever to be made after the passing of this act.

VI. And be it further enacted and declared, that where any such rectory impropriate, or tithes, or portion of tithes, or any such lands, tenements, or other hereditaments as aforesaid, shall respectively be subject to any lease on which an annual rent shall be reserved or be payable to the person or persons or body politic making the augmentation, it shall be lawful, during the continuance of such lease, to exercise the power given by the said recited act, or either of the powers herein-before contained, (so far as the same shall apply,) by granting to the incumbent of the benefice intended to be augmented a part of the rent which shall be so reserved or made payable as aforesaid, and then and in every such case the same premises shall for ever, as well after the determination of such lease as during the continuance thereof, be chargeable to such incumbent, and his successors, with the augmentation which shall have been so granted to him as aforesaid; and from and after such time as notice of the said grant shall be given to the person or persons entitled in possession under the said lease, and thenceforth during the continuance of the same, such incumbent, and his successors, shall have all the same powers for enforcing payment of such augmentation as the person or persons or body politic by whom the augmentation shall have been granted might have had in that behalf in case no grant of the same had been made; and after the determination of the said lease the said incumbent, and his successors, shall have such remedy for enforcing payment of such augmentation as aforesaid as is provided by the said recited act with respect to augmentations granted, reserved, or made payable under the authority thereof.

Where hereditaments are

VII. And be it further enacted, that where any such rectory impropriate, or tithes, or portion of tithes, lands, tenements,

tenements, or other hereditaments as aforesaid, shall be subject to any lease for any term not exceeding twenty-one years or three lives, or (in the case of such houses as under the provisions of the act passed in the fourteenth year of the reign of Her Majesty Queen Elizabeth, intituled "An Act for Continuation, Explanation, perfecting, " and enlarging of divers Statutes," may lawfully be leased for forty years,) not exceeding forty years, on which lease the most improved rent at the time of making the same shall not have been reserved, it shall be lawful at any time during the continuance of such lease to exercise the power given by the said recited act, or either of the powers herein-before contained, by granting out of the said premises an augmentation, to take effect in possession after the expiration, surrender, or other determination of such lease, and then and in every such case the said premises shall, from and after the expiration, surrender, or other determination of the said lease, and for ever thereafter, be chargeable with the said augmentation; and the provisions of the said recited act and of this act respectively shall in all respects apply to every augmentation which shall be so granted in the same manner as in other cases of augmentations to be granted under the powers of the said recited act or of this act.

subject to a lease not reserving a rack rent, an augmentation may be granted, to take effect on the determination of such lease.

VIII. And whereas it is apprehended that it may be desirable in many cases to make grants of augmentations in the manner last herein-before mentioned, and that such grants would be much discouraged if the augmentation to be granted should necessarily take effect in possession upon a surrender of the lease during which the same had been granted as aforesaid for the purpose of such lease being renewed; be it therefore further enacted, that in any case in which an augmentation shall have been granted to take effect in possession after the expiration, surrender, or other determination of any lease in the manner authorized by the clause last herein-before contained, and a renewal of such lease shall take place before the expiration thereof, it shall be lawful in and by the renewed lease to defer the time from which such augmen-

Power in such cases to defer the commencement of the augmentation upon a renewal of the lease.

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Power to
apportion
augmenta-
tions on fu-
ture leases.

Restriction
on the ex-
ercise of the
power of
apportion-
ment.

Repeal of
so much of
recited act
as requires
an express
continu-
ance of the
augmenta-

tation is to take effect in possession as aforesaid until any time to be therein specified in that behalf: Provided always, that the time to which the augmentation shall be so deferred shall be some time not exceeding twenty-one years, or (in the case of such houses as by the said act of Her Majesty Queen Elizabeth may lawfully be leased for forty years) not exceeding forty years, to be respectively computed from the commencement of the lease during which the augmentation shall have been granted.

IX. Provided always, and be it further enacted, that where any such augmentation as aforesaid shall have become chargeable, under or by virtue of the said recited act or of this act, upon any rectory impropriate, tithes, portion of tithes, lands, tenements, or other hereditaments, if any lease shall afterwards be granted of any part of the same premises separately from the rest thereof, then and in every such case, and from time to time so often as the same shall happen, it shall be lawful for the person or persons granting such lease to provide and agree that any part of such augmentation shall during such lease be paid out of such part of the hereditaments previously charged therewith as shall be comprised in the said lease, and then and in such case, and thenceforth during the lease so to be made as aforesaid, no further or other part of the said augmentation shall be charged on the premises comprised in the said lease than such part of the said augmentation as shall be so agreed to be paid out of the same: Provided always, that in every such case the hereditaments which shall be leased in severalty as aforesaid shall be a competent security for such part of the said augmentation as shall be agreed to be paid out of the same, and the remainder of the hereditaments originally charged with the said augmentation shall be a competent security for the residue thereof.

X. And whereas by the said recited act it was enacted, that if upon the surrender, expiration, or other determination of any lease wherein such augmentation had been or should be granted, any new lease of the premises, or any part thereof, should thereafter be made without

express continuance of the said augmentation, every such new lease should be utterly void; be it further enacted, that the said last-mentioned provision, so far as relates to any augmentation which may be granted after the passing of this act, shall be and the same is hereby repealed.

XI. And be it further enacted, that it shall be lawful for any archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation, or person or persons, or the master and fellows of any college, or the master or guardian of any hospital, being, in his or their corporate capacity, the owner or owners of any rectory impropriate, or of any tithes, or portion of tithes, arising in any particular parish or place, by a deed duly executed, to annex such rectory impropriate, or tithes, or portion of tithes as aforesaid, or any lands or tithes, being part or parcel thereof, with the appurtenances, unto any church or chapel within the parish or place in which the rectory impropriate shall lie, or in which the tithes or portion of tithes shall arise, to the intent and in order that the same may be held and enjoyed by the incumbent for the time being of such church or chapel; and every such deed shall be effectual to all intents and purposes whatsoever, any law or statute to the contrary notwithstanding.

tion in new leases.

Ecclesiastical corporations, colleges, &c. holding impropriate rectories or tithes, may annex the same to any church or chapel within the parish in which the rectory lies or the tithes arise.

XII. And be it further enacted, that it shall be lawful for any archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation or person or persons, or the master and fellows of any college, or the master or guardian of any hospital, being, in his or their corporate capacity, the owner or owners of any lands, tenements, or other hereditaments whatsoever, and also being in his or their corporate capacity the patron or patrons of any church or chapel, by a deed duly executed, to annex such lands, tenements, or other hereditaments, with the appurtenances, unto such church or chapel, to the intent and in order that the same premises may be held and enjoyed by the incumbent for the time being thereof; and every such deed shall be effectual

Power to annex lands, &c. held by them to any church or chapel under their patronage.

to all intents and purposes whatsoever, any law or statute to the contrary notwithstanding.

Such annexations to be subject to prior leases, and the rents reserved upon the same, or some portion thereof, to be determined by the deed of annexation.

XIII. Provided always, and be it further enacted, that in any case in which any rectory impropriate, tithes, or portion of tithes, lands, tenements, or other hereditaments, shall be annexed to any church or chapel, pursuant to either of the powers herein-before in that behalf contained, the annexation thereof shall be subject and without prejudice to any lease or leases which previously to such annexation may have been made or granted of the same premises or any part thereof; provided also, that in every such case any rent or rents which may have been reserved in respect of the said premises in and by such lease or leases, or (in case any other hereditaments shall have been also comprised in such lease or leases) some proportional part of such rent or rents, such proportional part to be fixed and determined in and by the instrument by which the annexation shall be made, shall during the continuance of the said lease or leases be payable to the incumbent for the time being of the church or chapel to which the premises shall be annexed as aforesaid; and accordingly such incumbent for the time being shall, during the continuance of such lease or leases, have all the same powers for enforcing payment of the same rent or rents, or of such proportional part thereof as aforesaid, as the person or persons or body politic by whom the annexation shall have been made might have had in that behalf in case the said premises had not been annexed.

Provisions of 39 & 40 G. 3. c. 41. to extend to such annexations, in certain cases.

XIV. And be it further enacted and declared, that where any rectory impropriate, tithes, or portion of tithes, lands, tenements, or other hereditaments, which shall be annexed to any church or chapel under either of the powers herein-before in that behalf contained, or any part thereof, shall have been anciently or accustomably demised with other hereditaments in one lease, under one rent, or divers rents issuing out of the whole, and after such annexation such other hereditaments as aforesaid, or any part thereof, shall be demised by a separate lease

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or leases, all the provisions of an act passed in the thirty-ninth and fortieth years of the reign of His late Majesty King George the Third, intituled "An Act for explaining " and amending several Acts made in the thirty-second " Year of King Henry the Eighth, and the First, Thirteenth, and Fourteenth Years of the Reign of Queen Elizabeth, so far as respects Leases granted by Archbishops, Bishops, Masters, and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Masters and Guardians of Hospitals, and others, having any Spiritual or Ecclesiastical Living or Promotion," shall apply and take effect in the same manner as if the premises which shall be so annexed as aforesaid had been retained in the possession or occupation of the person or persons by whom such lease or leases as aforesaid shall be made.

XV. And be it further enacted, that such of the powers herein-before contained as are restricted to cases in which the corporation or person by whom the same may be exercised shall be the patron of the benefice which it shall be intended or desired to augment, shall apply to and may be exercised in cases in which such corporation or person shall be entitled only to the alternate right of presentation to such benefice.

Certain powers to apply to persons entitled to alternate presentation.

XVI. Provided always, and be it further enacted, that the power given by the said recited act shall not at any time hereafter, nor shall any of the powers herein-before contained, in any case, be exercised so as to augment in value any benefice whatsoever which at the time of the exercise of the power shall exceed in clear annual value the sum of three hundred pounds, or so as to raise the clear annual value of any benefice to any greater amount than such sum of three hundred and fifty pounds, or three hundred pounds, not taking account of surplice fees.

Benefices exceeding in yearly value 300*l.* not to be raised, and all others to be limited.

XVII. And be it further enacted, that in every case in which it shall be desired, upon the exercise of any of the said powers, to ascertain, for the purposes of this act, the clear yearly value of any benefice, or of any rectory

Power to determine the yearly value of any hereditaments for

the purposes of the act.

improper, tithes, or portion of tithes, lands, tenements, or other hereditaments, it shall be lawful for the archbishop or bishop of the diocese within which the benefice to be augmented shall be situate, or where the same shall be situate within a peculiar jurisdiction belonging to any archbishop or bishop, then for the archbishop or bishop to whom such peculiar jurisdiction shall belong, to cause such clear yearly value to be determined and ascertained by any two persons whom he shall appoint for that purpose by writing under his hand (which writing is hereby directed to be afterwards annexed to the instrument by which the power shall be exercised); and a certificate of such clear yearly value, written or endorsed on the instrument by which the power shall be exercised, and signed by such persons as aforesaid, shall for all the purposes of this act be conclusive evidence of such clear yearly value as aforesaid.

By whom the above-mentioned powers may be exercised, and with whose consent.

XVIII. Provided also, and be it further enacted, that in every case in which the power given by the said recited act, or any of the powers herein-before contained, (other than and except the aforesaid power of deferring the time at which an augmentation is to take effect in possession,) shall be exercised by any bishop, dean, archdeacon, or prebendary, or by the master or guardian of any hospital, the same shall be so exercised in the case of a bishop with the consent of the archbishop of the province, or in the case of a dean with the consent of the dean and chapter, or in the case of an archdeacon or prebendary with the consent of the archbishop or bishop to whose jurisdiction or control they shall be respectively subject, or in the case of the master or guardian of a hospital with the consent of the patron or patrons, visitor or visitors (if any) of such hospital, such consent as aforesaid to be testified by the said archbishop, dean and chapter, bishop, or patron or patrons, visitor or visitors (as the case may require), executing the instrument by which the power shall be exercised.

Incumbents not to exercise them.

XIX. Provided always, and be it further enacted, that the incumbent of any benefice or living shall not be autho-

authorized to exercise any of the powers aforesaid with respect to any hereditaments to which he may be entitled in right of his benefice.

XX. Provided also, and be it further enacted, that where the incumbent of any benefice shall in right of the same be entitled to any tithes or portion of tithes arising in any parish or place not being within the limits of such benefice, it shall be lawful for the incumbent for the time being of such benefice, by a deed duly executed by him, to annex such tithes or portion of tithes as aforesaid, or any part thereof, to any church or chapel within the parish or place in which such tithes or portion of tithes shall arise, to the intent that the same may be enjoyed by the incumbent for the time being of such church or chapel; and every such deed shall be effectual to all intents and purposes whatsoever, any law or statute to the contrary notwithstanding: Provided always, that every such annexation as aforesaid shall be made with the consent of the archbishop or bishop of the diocese within which the said benefice shall be situate, (or if the said benefice shall be situate within a peculiar jurisdiction belonging to any archbishop or bishop, then with the consent of the archbishop or bishop to whom such peculiar jurisdiction shall belong,) and also with the consent of the patron or patrons of the said benefice, such consent to be testified by the said archbishop or bishop and the said patron or patrons respectively executing the instrument by which the annexation shall be made.

XXI. And whereas it is expedient that rectors and vicars should be enabled, under proper restrictions, to charge their rectories and vicarages for the benefit and support of chapels of ease situate within such rectories and vicarages, as also in certain other cases; be it therefore further enacted, that it shall be lawful for any rector or vicar for the time being of any rectory or vicarage, by a deed duly executed by him, to annex to any chapel of ease or parochial chapel, or to any district church or chapel, or any chapel having a district assigned thereto, whether

Incumbent may annex tithes, &c. to which he is entitled, arising out of the limits of his benefice, to the church or chapel of the parish where they arise.

Power to rectors or vicars to charge their rectories and vicarages for the benefit of chapels of ease, &c.

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whether already built or hereafter to be built, (such chapel of ease or other chapel or church, with the district or place to which the same belongs, being situate within the limits, or within the original limits, of the said rectory or vicarage,) any part or parts of the tithes or other annual revenues belonging to such rectory or vicarage, or to grant to the incumbent for the time being of any such chapel of ease or other chapel or church, and his successors, any annual sum of money, to be payable by equal quarterly or equal half-yearly payments, and to charge the same on all or any part of such tithes or other revenues as aforesaid, or on any lands or other hereditaments belonging to the said rectory or vicarage; and in every case in which any such tithes or other revenues shall be annexed to any such church or chapel as aforesaid the incumbent for the time being thereof shall thenceforth have all the same remedies for recovering and enforcing payment of the premises which shall be so annexed as the rector or vicar for the time being of the rectory or vicarage might have had if such annexation had not been made; and in every case in which any annual sum of money shall be so granted as aforesaid the incumbent for the time being entitled thereto shall have all such remedies for recovering and enforcing payment thereof by action of debt against the incumbent for the time being of the said rectory or vicarage, or by distress upon the hereditaments to be charged therewith, or otherwise, as shall in that behalf be specified and given by the deed by which the grant shall be made: Provided always, that every such grant and annexation shall be made with the consent of the archbishop or bishop of the diocese within which the rectory or vicarage shall be situate, (or if the rectory or vicarage shall be situate within a peculiar jurisdiction belonging to any archbishop or bishop, then with the consent of the archbishop or bishop to whom such peculiar jurisdiction shall belong,) and also with the consent of the patron or patrons of the said rectory or vicarage, such consent to be testified by the

the said archbishop or bishop and the said patron or patrons respectively executing the instrument by which the annexation or grant shall be made.

XXII. And whereas by an act passed in the fifty-eighth year of the reign of His late Majesty King George the Third, intituled "An Act for building and promoting the building of additional Churches in populous Places," provision was made, under certain restrictions, for enabling any parish to be divided into two or more distinct parishes, and for apportioning in such cases the glebe lands, tithes, moduses, or other endowments between the respective divisions; and it was thereby provided with respect to every such case, that during the incumbency of the existing incumbent of the parish every new church intended as the parish church of any division intended to become a distinct parish should remain a chapel of ease; be it further enacted, that the power last herein-before contained shall not be exercised for the purpose of making an annexation or grant to any chapel of ease situate within any division which under the provisions of the said last-recited act shall be intended to become a distinct parish.

Exception
to the pre-
ceding
power.
58 G. 3.
c. 45.

XXIII. And be it further enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patronage of such benefice shall be in the Crown, the consent of the Crown to the exercise of such power shall be testified in the manner herein-after mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the King's books the instrument by which the power shall be exercised shall be executed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the King's books such instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being; and if such benefice shall be within the patronage of the Crown

Manner in
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Crown in right of the duchy of Lancaster such instrument shall be executed by the chancellor of the said duchy for the time being; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

where pa-
tron is an
incapacitat-
ed person;

XXIV. And be it further enacted, that in any case where the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised, in testimony of the consent of such patron; and such execution shall for the purposes of this act be deemed and taken to be an execution by the patron of the benefice.

where pa-
tronage is
part of the
possessions
of the
duchy of
Cornwall.

XXV. And be it further enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the advowson and right of patronage of such benefice shall be part of the possessions of the duchy of Cornwall, the consent of the patron of such benefice to the exercise of such power shall be testified in the manner herein-after mentioned; (that is to say,) the instrument by which the power shall be exercised shall be executed by the Duke of Cornwall for the time being, if of full age, but if such benefice shall be within the patronage of the Crown in right of the duchy of Cornwall such instrument shall be executed by the same person or persons who is or are by this act authorized to testify the consent of the Crown to the exercise of any power given by this act in respect of any benefice in the patronage of the Crown; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

XXVI. Pro-

XXVI. Provided always, and be it further enacted, that in every case in which the power given by the said recited act of the twenty-ninth year of the reign of King Charles the Second, or any of the powers herein-before contained, shall be exercised, the instrument by which the same shall be so exercised shall within two calendar months after the date of the same be deposited in the registry of the diocese within which the benefice augmented or otherwise benefited shall be locally situate, or where the same shall be situate within a peculiar jurisdiction belonging to any archbishop or bishop, then in the registry of such peculiar jurisdiction.

Instruments to be deposited in the registry of the diocese.

XXVII. And be it further enacted, that an office copy of any instrument which under the provisions of this act shall be deposited in any such registry as aforesaid (such office copy being certified by the registrar or his deputy) shall be allowed as evidence thereof in all courts and places, and every person shall be entitled to require any such office copy, and shall also be allowed, at all usual and proper times, to search for and inspect any instrument which shall be so deposited, and the registrar shall be entitled to the sum of five shillings and no more for depositing any such instrument as aforesaid, and to the sum of one shilling and no more for allowing any such search or inspection as aforesaid, and to the sum of sixpence and no more (besides stamp duty) for every law folio of seventy-two words in any office copy to be made and to be certified as aforesaid.

Office copies of instruments deposited in the registry to be evidence.

Fee to the registrar.

XXVIII. And be it further enacted, that the word "benefice" in this act shall be construed and taken to comprehend rectories, vicarages, donatives, perpetual curacies, parochial and consolidated chapelries, district parishes and district chapelries, and churches and chapels having a district assigned thereto.

Extent of the word "benefice" in this act.

XXIX. And be it further enacted, that the powers by this act given to the master and fellows of any college shall apply to cases in which the head of the college shall be

Act to apply to all heads of colleges,

under what-
ever deno-
mination.

be called the warden, dean, provost, resident, rector, or principal thereof, or shall be called by any other denomination, and that such powers shall extend to every college and hall in the universities of Oxford and Cambridge, and to the colleges of Eton and Winchester.

To extend
to England
and Wales.

XXX. Provided also, and be it further enacted, that this act shall extend only to that part of the United Kingdom called England and Wales.

ANNO VICESIMO SEPTIMO

HENRICI VIII. REGIS.

C A P. XVI.

*An Act concerning Inrolments of Bargains and Contracts
of Lands and Tenements.*

BE it enacted by the authority of this present Parliament, that from the last day of July which shall be in the year of our Lord God one thousand five hundred and thirty-six, no manors, lands, tenements, or other hereditaments shall pass, alter, or change from one to another, whereby any estate of inheritance or freehold shall be made or take effect in any person or persons, or any use thereof to be made by reason only of any bargain and sale thereof, except the same bargain and sale be made by writing indented, sealed, and enrolled in one of the King's Courts of Record at Westminster, or else within the same county or counties where the same manors, lands, or tenements so bargained and sold lie or be, before the Custos Rotulorum, and two justices of the peace and the clerk of the peace of the same county or counties, or two of them at the least, whereof the clerk of the peace to be one, and the same enrolment to be had and made within six months next after the date of the same writings indented; the same Custos Rotulorum, or justices of the peace and clerk, taking for the enrolment of every such writing indented before them, where the land comprised in the same writing exceeds not the yearly value of forty shillings, two shillings, that is to say, twelve-pence to the justices, and twelve-pence to the clerk, and for the enrolment of every such writing indented

No land shall pass by bargain and sale, unless it be by writing indented, sealed, and enrolled in some court of record at Westminster, or within the county where the lands lie.

Fees for enrolment.

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indented before them wherein the land comprised exceeds the sum of forty shillings in the yearly value, five shillings, that is to say, two shillings and sixpence to the said justices, and two shillings and sixpence to the said clerk, for the enrolling of the same; and that the clerk of the peace for the time being within every such county shall sufficiently enrol and engross in parchment the same deeds or writings indented as is aforesaid, and the rolls thereof at the end of every year shall deliver unto the said Custos Rotulorum of the same county for the time being, there to remain in the custody of the said Custos Rotulorum for the time being, amongst other records of every of the same counties where any such enrolment shall be so made, to the intent that every party that hath to do therewith may resort and see the effect and tenor of every such writing so enrolled.

Towns corporate, &c.
may enrol
deeds.

II. Provided always, that this act nor any thing therein contained extend to any manor, lands, tenements, or hereditaments lying or being within any city, borough, or town corporate within this realm wherein the mayors, recorders, chamberlains, bailiffs, or other officer or officers have authority or have lawfully used to enrol any evidences, deeds, or other writings within their precinct or limits, any thing in this act contained to the contrary notwithstanding.

ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. 10.

An Act for separating the Rectory of Easington in the County and Diocese of Durham from the Archdeaconry of Durham, and annexing in lieu thereof a Prebend or Canonry founded in the Cathedral Church of Durham.

[23d June 1832.]

WHEREAS the Right Reverend William, by Divine Providence lord bishop of Durham, is in right of his see patron of the archdeaconry of Durham, with the rectory of Easington in the county and diocese of Durham thereunto annexed, and the Venerable Charles Thorp, clerk, is the present archdeacon of Durham, and as such the rector of Easington aforesaid: And whereas the parish of Easington aforesaid is of great extent, with an increasing population, by reason of the coal mines in the said parish and its vicinity: And whereas it is expedient, on account of the increasing population of the said parish, that the said rectory of Easington should be separated from the said archdeaconry of Durham, and that in lieu thereof some other benefice should be annexed thereto, and it is therefore proposed that one of the prebends or canonries founded in the cathedral church of Durham of Christ and Blessed Mary the Virgin should be annexed to the said office of archdeacon of Durham: And whereas the said lord bishop of Durham is in right of his see patron of the several prebends or canonries founded in the said cathedral church, and the said Charles Thorp is

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Arch-
deaconry.*
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Archdeacon
Thorp em-
powered to
resign the
rectory of
Easington,
and there-
upon the
said rectory
shall be
separated
from the
said office
of arch-
deacon, and
become a
rectory
presentable.

now prebendary or canon of one of the said prebends or canonries, and which is known and distinguished as the fourth prebend or canonry: And whereas the said lord bishop of Durham and the said Charles Thorp approve of the objects aforesaid; but the same cannot be effected without the aid and authority of parliament: Therefore Your Majesty's most dutiful and loyal subjects, the said William lord bishop of Durham and the said Charles Thorp, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the said Charles Thorp, at any time after the passing of this act, to resign the said rectory of Easington, with its rights, members, and appurtenances, without resigning his said archdeaconry of Durham; and from and immediately after the said rectory of Easington shall become vacant by such resignation thereof, or otherwise, by the said Charles Thorp, or by the resignation by the said Charles Thorp of the said archdeaconry, or otherwise, the same rectory, with its rights, members, and appurtenances, shall be separated from the said archdeaconry of Durham, and become and be for ever thereafter a rectory with the cure of souls in the said parish, presentable, and be in the gift or patronage of the said lord bishop of Durham and his successors, in right of the see of Durham, in the same manner in all respects as any other rectory in the gift or patronage of the lord bishop of Durham, and as if the said rectory of Easington had never been annexed to the said archdeaconry of Durham.

After the
avoidance of
the fourth
prebend of
Durham,
the same
shall be
annexed to
the said
office of
archdeacon.

II. And be it further enacted, that from and after the avoidance of the said fourth prebend or canonry in the said cathedral church of Durham next after the avoidance of the said archdeaconry by the resignation thereof by the said Charles Thorp, or otherwise, the same prebend or canonry, with its house of residence, lands, tithes, rights, privileges, profits, and other appurtenances whatsoever,

soever, shall be appropriated and annexed for ever thereafter to the said archdeaconry of Durham, and be had, held, possessed, and enjoyed by the archdeacon of Durham for the time being for ever, as fully and freely, to all intents and purposes, as the same prebend or canonry, with its appurtenances, would or could have been by any incumbent thereof had this act not been passed.

*Durham
Arch-
deaconry.*
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III. Saving always to the King's most Excellent Majesty, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, his, her, and their heirs, successors, executors, and administrators respectively, (except the said lord bishop of Durham and his successors, and the said Charles Thorp and his successors,) all such estate, right, title, interest, claim, and demand of, in, to, or out of the said archdeaconry of Durham and rectory of Easington, and the said fourth prebend or canonry in the said cathedral church respectively, and other the premises, as they or any of them had before the passing of this act, or could or might have had, held, or enjoyed in case this act had not been passed.

General
saving.

IV. And be it further enacted, that this act shall be printed by the several printers to the King's most Excellent Majesty duly authorized to print the statutes of the United Kingdom; and a copy thereof so printed by them shall be admitted as evidence thereof by all judges, justices, or others.

Act to be
printed by
the King's
printers.

*Durham
Arch-
deaconry.*
==

Archdeacon
Thorp em-
powered to
resign the
rectory of
Easington,
and there-
upon the
said rectory
shall be
separated
from the
said office
of arch-
deacon, and
become a
rectory
presentable.

After the
avoidance of
the fourth
prebend of
Durham,
the same
shall be
annexed to
the said
office of
archdeacon.

now prebendary or canon of one of the said prebends or canonries, and which is known and distinguished as the fourth prebend or canonry: And whereas the said lord bishop of Durham and the said Charles Thorp approve of the objects aforesaid; but the same cannot be effected without the aid and authority of parliament: Therefore Your Majesty's most dutiful and loyal subjects, the said William lord bishop of Durham and the said Charles Thorp, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the said Charles Thorp, at any time after the passing of this act, to resign the said rectory of Easington, with its rights, members, and appurtenances, without resigning his said archdeaconry of Durham; and from and immediately after the said rectory of Easington shall become vacant by such resignation thereof, or otherwise, by the said Charles Thorp, or by the resignation by the said Charles Thorp of the said archdeaconry, or otherwise, the same rectory, with its rights, members, and appurtenances, shall be separated from the said archdeaconry of Durham, and become and be for ever thereafter a rectory with the cure of souls in the said parish, presentable, and be in the gift or patronage of the said lord bishop of Durham and his successors, in right of the see of Durham, in the same manner in all respects as any other rectory in the gift or patronage of the lord bishop of Durham, and as if the said rectory of Easington had never been annexed to the said archdeaconry of Durham.

II. And be it further enacted, that from and after the avoidance of the said fourth prebend or canonry in the said cathedral church of Durham next after the avoidance of the said archdeaconry by the resignation thereof by the said Charles Thorp, or otherwise, the same prebend or canonry, with its house of residence, lands, tithes, rights, privileges, profits, and other appurtenances whatsoever.

soever, shall be appropriated and annexed for ever thereafter to the said archdeaconry of Durham, and be had, held, possessed, and enjoyed by the archdeacon of Durham for the time being for ever, as fully and freely, to all intents and purposes, as the same prebend or canonry, with its appurtenances, would or could have been by any incumbent thereof had this act not been passed.

*Durham
Arch-
deaconry.*
==

III. Saving always to the King's most Excellent Majesty, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, his, her, and their heirs, successors, executors, and administrators respectively, (except the said lord bishop of Durham and his successors, and the said Charles Thorp and his successors,) all such estate, right, title, interest, claim, and demand of, in, to, or out of the said archdeaconry of Durham and rectory of Easington, and the said fourth prebend or canonry in the said cathedral church respectively, and other the premises, as they or any of them had before the passing of this act, or could or might have had, held, or enjoyed in case this act had not been passed.

General
saving.

IV. And be it further enacted, that this act shall be printed by the several printers to the King's most Excellent Majesty duly authorized to print the statutes of the United Kingdom; and a copy thereof so printed by them shall be admitted as evidence thereof by all judges, justices, or others.

Act to be
printed by
the King's
printers.

*Durham
University.*

Heredita-
ments in the
schedule
vested in
the dean
and chapter
in trust for
establishing
a university.

mines and hereditaments herein-after excepted, and sub-
ject to the said leases for years,) as proper to be appro-
priated as aforesaid: And whereas the said dean and
chapter of Durham deem it expedient that they should
have certain powers of sale with respect to the said lands,
tenements, and hereditaments so selected as aforesaid:
And whereas the Right Reverend Father in God William
lord bishop of Durham, the visitor of the said cathedral
church, and patron of the canonries or prebends in the
same, approves of the objects aforesaid; but inasmuch
as the same cannot be effected without the authority of
parliament, may it therefore please Your Majesty, upon
the humble petition of the Right Reverend Father in
God John Banks lord bishop of Saint Davids, dean, and
the chapter of Durham of the cathedral church of Christ
and Blessed Mary the Virgin, and upon the petition of
the said William lord bishop of Durham, the visitor of
the said cathedral church, and patron of the canonries or
prebends in the same, that it may be enacted; and be it
enacted by the King's most Excellent Majesty, by and with
the advice and consent of the lords spiritual and temporal,
and commons, in this present parliament assembled, and
by the authority of the same, that from and after the
passing of this act all and singular the lands, tenements,
and hereditaments comprised in the leases mentioned in
the schedule to this act annexed, and the inheritance
thereof in fee simple, with the appurtenances, (subject to
the said leases for years thereof, and save and except and
always reserved unto the said dean and chapter of Dur-
ham and their successors all mines and pits already
opened and hereafter to be opened within and under the
said lands, tenements, and hereditaments, and all seams
and beds of coal within and under the same, with full
power, but not by means of any surface operation, or by
any operations by which the surface may be injured or
prejudicially affected, to win, work, and carry away such
seams and beds of coal, and to use such mines and pits
for such purpose, or any other purpose whatsoever,) shall
be and the same are hereby vested in the said dean and
chapter

chapter of Durham, and their successors for ever, in trust to apply the rents thereof, and the fines and other profits and proceeds arising therefrom, for the establishment and maintenance of a university for the advancement of learning in connexion with the said cathedral church, such university to consist of such warden or principal, of such professors and readers in such branches of learning and sciences, of such tutors, students, and other officers and persons, and generally to be established and instituted and continued according to such scheme and regulations as the said dean and chapter of Durham for the time being shall from time to time, by writing under their common seal, with the consent of the lord bishop of Durham for the time being, order and prescribe.

*Durham
University.*
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II. And be it further enacted, that the government of the said university, and the order and discipline to be observed therein, according to the scheme and regulations which the said dean and chapter of Durham for the time being, with such consent as aforesaid, are herein-before empowered to order and prescribe, shall be and the same are hereby vested in the said dean and chapter of Durham for the time being; and the said university shall be subject to and be under the jurisdiction of the Lord Bishop of Durham for the time being, as the visitor thereof.

The govern-
ment of the
university
vested in the
dean and
chapter, the
bishop
being the
visitor

III. And be it further enacted, that it shall be lawful for the said dean and chapter of Durham for the time being, after the passing of this act, and at any time or times thereafter, with the consent in writing of the lord bishop of Durham for the time being, to make sale and absolutely dispose of, as well all and singular the lands, tenements, and hereditaments comprised in the leases mentioned in the schedule to this act annexed, or any of them, and the inheritance thereof in fee simple, with the appurtenances (save and except as aforesaid), and subject to the existing leases thereof for the time being, but free from the trust herein-before expressed, as also all other lands, tenements, and hereditaments which shall for the time being be vested in the said dean and chapter of Durham in trust for such university as aforesaid, for the

Power for
dean and
chapter to
sell as well
the here-
ditaments
in schedule
as other
heredita-
ments for
the time
being vested
in them in
trust for the
university.

*Durham
University.*

best price or prices that can be reasonably had or gotten for the same, and either by public auction or private contract, unto such person or persons, at such time or times, and subject to such conditions or stipulations, and in such manner in all respects as the said dean and chapter of Durham for the time being, with such consent as aforesaid, shall think expedient, with full power to rescind or abandon any contract, and also to buy in the premises, or any part or parts thereof, at any auction or auctions, and afterwards to re-sell the same premises in manner aforesaid, without being answerable for any loss which may arise thereby, and also to compel the specific performance of any contract, by suit in equity or otherwise, and, on payment of the purchase money or respective purchase monies into the bank of England in manner next hereinafter mentioned, to convey and assure the premises sold unto and to the use of the purchaser or purchasers thereof respectively, and his, her, or their heirs and assigns, or in such manner as he, she, or they shall direct or appoint, free and discharged of and from as well the trust hereinbefore expressed as also of and from all manner of right, title, interest, claim, and demand whatsoever of the said dean and chapter of Durham and their successors for ever.

Purchase
monies to
be paid into
the bank of
England.

IV. And be it further enacted, that all the purchase monies for the lands, tenements, and hereditaments hereby authorized to be sold as aforesaid shall be paid by the purchaser or respective purchasers into the bank of England, in the name and with the privity of the accountant general of the high court of chancery, to be placed to his account there “*ex parte* the dean and chapter of “*Durham, the university of Durham account,*” pursuant to the method prescribed by the act passed in the twelfth year of the reign of King George the First, chapter thirty-two, and the general orders of the said court, and without fee or reward, according to the act of the twelfth year of the reign of King George the Second, chapter twenty-four; and that the certificate and certificates to be given by the said accountant general, together with the receipt
or

*Durham
University.*
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or receipts of one of the cashiers of the bank of England, to be thereunto annexed, and therewith filed in the register office of the said court of chancery, of the payment into the bank of England by such purchaser or purchasers as aforesaid of his, her, or their purchase money, or an office copy or office copies of the same certificates and receipts respectively, shall from time to time and at all times be and be deemed and taken to be a good and sufficient discharge or good and sufficient discharges to such purchaser or purchasers, and to his, her, and their heirs, executors, administrators, and assigns, for so much of the said purchase monies for which such certificate or certificates and receipt or receipts as aforesaid shall respectively be given; and after the filing of such certificate or certificates and receipt or receipts as aforesaid, such purchaser or purchasers, and his, her, and their respective heirs, executors, and administrators, shall be and is and are hereby absolutely acquitted and discharged of and from the same monies respectively, and shall not be answerable or accountable for any loss, misapplication, or nonapplication thereof, or of any part thereof.

V. And be it further enacted, that the monies which shall be paid into the bank of England in manner hereinbefore directed shall and may be laid out and invested, under the direction and with the approbation of the said court, to be signified by an order to be made upon a petition to be preferred in a summary way by the said dean and chapter of Durham for the time being, and the lord bishop of Durham for the time being, in manner herein-after expressed; (that is to say,) any part or parts of such monies, not exceeding in the whole the sum of two thousand pounds, may be expended in the alteration, fitting up, and improvement of any building or buildings belonging to the said cathedral church which it shall for the time being be thought expedient to use for the purposes of such university as aforesaid, which building or buildings shall and may be so used until other convenient and appropriate buildings, to be approved of by the lord bishop

Application
of purchase
monies.

*Durham
University.*

bishop of Durham for the time being, can be provided in their stead for the purposes of the said university, but such university shall not, by reason of the monies so expended, acquire any right, title, or interest in or to such building or buildings further than the use thereof as aforesaid; and also any part or parts of such monies, not exceeding in the whole the sum of twenty thousand pounds, may be expended in erecting and completing, on land vested in the said dean and chapter of Durham and their successors in trust for such university, any building or buildings for the use of such university, or in altering, repairing, or improving any building or buildings vested in the said dean and chapter and their successors in trust as aforesaid; and further, such monies, but without prejudice to the application of a part or parts thereof as aforesaid, may at any time or from time to time be laid out in the purchase of any lands, tenements, or hereditaments situate or arising in England or Wales, of freehold or copyhold tenure, or both, whereof not more than one sixth part shall be copyhold, to be approved of by the said court of chancery, the premises so purchased to be conveyed, surrendered, and assured respectively unto and to the use of the said dean and chapter of Durham and their successors for ever, in trust for such university as aforesaid, any law or statute of mortmain to the contrary in anywise notwithstanding; and in the meantime, and until such monies shall be applied or invested as aforesaid, the same shall, by order of the said court upon application thereto, be invested by the said accountant general in his name in the purchase of three pounds per centum consolidated or three pounds per centum reduced bank annuities.

Fines,
Rents, &c.
vested in
the dean
and chapter
in trust for
the univer-
sity.

VI. And be it further enacted, that the fines, rents, and other annual profits and proceeds which shall after the passing of this act arise from or in respect of the premises comprised in the leases mentioned in the said schedule to this act annexed, until the same shall be sold, and also the rents and other annual profits and proceeds of any lands, tenements, and hereditaments which shall for the

time

time being be vested in the said dean and chapter of Durham or their successors in trust for such university as aforesaid, together with the profits arising from the sale of timber growing thereon, and also the dividends and annual proceeds of such consolidated or reduced bank annuities as aforesaid, until the same shall be ordered by the said court to be sold for any of the purposes aforesaid, shall be paid to the said dean and chapter of Durham for the time being, to be held, managed, paid, and applied by them for the establishment and maintenance of such university as aforesaid.

*Durham
University.*
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VII. And be it further enacted, that in the meantime, and until the premises comprised in the leases mentioned in the said schedule to this act annexed, and hereby authorized to be sold, shall be sold accordingly, the same may be respectively demised and managed by the said dean and chapter of Durham for the time being in the same manner as before the passing of this act, subject nevertheless to the application of all fines, rents, profits, and proceeds whatsoever arising therefrom, or in respect thereof, as herein-before expressed.

Hereditaments in schedule, until sold, may be demised and managed as before.

VIII. Provided always, and be it further enacted, that when and so soon as the monies arising from the sale of any or any part of the said lands, tenements, and hereditaments comprised in the leases mentioned in the said schedule to this act annexed, and which shall be paid into the bank of England in manner herein-before directed, shall amount to or exceed the sum of ninety-five thousand pounds sterling, then and in such case and at any time thereafter it shall be lawful for the said dean and chapter of Durham for the time being, in case any or any part of such lands, tenements, or hereditaments shall then remain unsold, to declare, by any writing under their corporate seal, and registered within six calendar months after the date thereof in the episcopal registry of the lord bishop of Durham, that the premises so remaining unsold, or that any part thereof, shall not be sold under the power or that purpose herein-before contained, and thereupon the premises described or referred to in such writing shall revert

When the sum of 95,000*l.* shall have been raised, the dean and chapter may declare that the property then unsold shall not be sold.

*Durham
University.*

revert to and shall thenceforth be vested in the said dean and chapter of Durham and their successors, free and discharged of and from the powers, trusts, and provisions of this act and every of them, and in the same manner in all respects as if this act had not been passed, but without prejudice to any lease or leases thereof which may have been granted in the meantime: Provided nevertheless, that no purchaser of any or any part of the premises comprised in the leases mentioned in the said schedule to this act annexed, nor any person or persons claiming through or under any purchaser, shall be bound to ascertain or enquire whether any such declaration hath been made or not, or otherwise into the validity or propriety of the sale or sales to him or her.

Power for
incapaci-
tated per-
sons to sell
heredita-
ments in
the city of
Durham,
or within
five miles
thereof, to
the dean
and chapter,
in trust for
the univer-
sity.

IX. And be it further enacted, that it shall be lawful for all bodies politic, corporate, or collegiate, aggregate or sole, tenants in tail or for life, or for any other limited, partial, or qualified estate or interest, guardians, committees, trustees, and feoffees in trust for charitable or other purposes, and all trustees whatsoever, for and on behalf of themselves, their heirs and successors, and of all persons entitled in reversion, remainder, or expectancy after them, if incapacitated, and of their wards, lunatics, and idiots respectively, and of their cestuique trust, whether infants, issue unborn, lunatics, idiots, femmes covert, or other persons, and also for all femmes covert seised, possessed of, or interested in their own right or entitled to dower, to contract and agree to sell, and by any indenture or indentures, sealed and delivered, absolutely to convey, any lands, tenements, or hereditaments within the city of Durham or within five miles thereof (not exceeding in the whole ten acres in quantity), with the appurtenances, to the said dean and chapter of Durham and their successors for ever, in trust for such university as aforesaid; and which indentures respectively shall, without any recovery or recoveries, fine or fines, or other conveyances, assurances, or acts in the law whatsoever, and without enrolment, be good, valid, and effectual to convey to and vest in the said dean and chapter

chapter of Durham for the time being and their successors, in trust as aforesaid, a clear, absolute, and indefeasible estate of inheritance in fee simple in possession in the lands and other hereditaments expressed and intended to be thereby conveyed; and all bodies politic, corporate, or collegiate, aggregate or sole, tenants in tail or for life, or for any other limited, partial, or qualified estate or interest, guardians, committees, trustees, and feoffees in trust for charitable or other purposes, and all trustees whatsoever, are hereby indemnified for what they respectively shall do by virtue and in pursuance of this act.

*Durham
University.*

X. And be it further enacted, that the money which shall be agreed to be paid for any lands, tenements, or hereditaments sold under the power lastly herein-before contained shall, in case the same shall amount to or exceed the sum of two hundred pounds, with all convenient speed be paid into the bank of England, in the name and with the privity of the accountant general of the court of exchequer, to be placed to his account "ex parte the dean and chapter of Durham, the university of Durham purchase account," pursuant to the method prescribed by an act passed in the first year of the reign of King George the Fourth, intituled "An Act 1 G. 4. c. 35.
" for the better securing the Monies and Effects paid
" into the Court of Exchequer at Westminster on account
" of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of
" the said Court, and for other Purposes," and the general orders of the said court, and without fee or reward; to the intent that such money may be applied, under the direction and with the approbation of the said court, to be signified by an order to be made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to the rents and profits of such lands, tenements, or hereditaments, in the purchase or redemption of the land tax, or towards the discharge of any debt or debts, or other such incumbrances, or part thereof, as the said court shall authorize to

*Durham
University.*

to be paid, affecting the same lands, tenements, or hereditaments, or affecting other lands, tenements, or hereditaments standing settled therewith to the same or the like uses, intents, or purposes; and where such money shall not be so applied, then the same shall be laid out and invested, under the like directions and approbation of the said court, in the purchase of other lands, tenements, or hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as the lands, tenements, or hereditaments which shall be so sold as aforesaid stood settled or limited, or such of them as at the time of such sale shall be existing undetermined and capable of taking effect; and in the meantime, and until such purchase shall be made, the said money shall, by order of the said court of exchequer upon application thereto, be invested by the said accountant general, in his name, in the purchase of three pounds per centum consolidated or three pounds per centum reduced bank annuities; and in the meantime, and until the said bank annuities shall be ordered by the said court to be sold for the purposes last aforesaid, the dividends and annual produce of the said consolidated or reduced bank annuities shall from time to time be paid, by order of the said court, to the person or persons who would for the time being have been entitled to the rents and profits of the said lands, tenements, and hereditaments so hereby directed to be purchased, in case such purchase or settlement were made.

Application
of such money
if not amounting
to 200*l.*
and exceeding
20*l.*

XI. Provided always, and it is hereby further enacted, that if the money which shall be agreed to be paid for any lands, tenements, or hereditaments sold under the power lastly herein-before contained shall not amount to two hundred pounds, and shall exceed the sum of twenty pounds, the same shall, at the option of the person or persons who for the time being would have been entitled to the rents and profits of the lands, tenements, or hereditaments so sold, or of his, her, or their guardian or guardians, committee or committees, trustee or trustees, signified

fied in writing, be paid into the bank of England in the name and with the privity of the said accountant general of the court of exchequer, and be placed to his account as aforesaid, in order to be applied in manner lastly herein-before directed; or otherwise the same shall be paid to three trustees, to be nominated by the person or persons making such option, and approved of by the said dean and chapter of Durham for the time being, in order that the money paid to such trustees, and the dividends arising thereon, may be by them applied in like manner as is lastly herein-before directed with respect to the money so to be paid into the bank of England in the name of the accountant general of the court of exchequer, so far as the case be applicable, but without obtaining or being required to obtain any order of the court of exchequer.

*Durham
University.*

XII. Provided always, and be it further enacted, that if the money which shall be agreed to be paid for any lands, tenements, or hereditaments sold as lastly herein-before mentioned shall not amount to twenty pounds, the same shall be paid to the person or persons who would for the time being have been entitled to the rents and profits of the lands, tenements, or hereditaments so sold, or to his, her, or their guardian or guardians, committee or committees, trustee or trustees, to be by them applied for the use and benefit of their respective wards, lunatics, or idiots, and cestuisque trust respectively.

If not
amounting
to 20*l*.

XIII. Provided always, and be it further enacted, that where any question shall arise touching the title of any person to any money to be paid into the bank of England in the name and with the privity of the said accountant general of the court of exchequer, in pursuance of this act, for the purchase of any lands, tenements, or hereditaments, or of any estate, right, or interest in any lands, tenements, or hereditaments, or to any bank annuities to be purchased with any such money, or to the dividends or interest of any such bank annuities, the person or persons who shall have been in possession of such lands, tenements, or hereditaments at the time of such purchase, and
all

In case of
disputed
title, the
person in
possession
to be deem-
ed entitled.

*Durham
University.*
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all persons claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such lands, tenements, or hereditaments according to such possession, until the contrary shall be shown to the satisfaction of the said court; and the dividends or interest of the bank annuities to be purchased with such money, and also the capital of such bank annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to the premises so purchased as aforesaid.

Dean and chapter may grant leases of mines, and building and other leases of lands, purchased or acquired by them in trust for the university.

XIV. And be it further enacted, that it shall be lawful for the said dean and chapter of Durham and their successors from time to time to demise all and every or any of the pits, mines, and quarries, and seams or beds of coal, lead, iron, stone, clay, and other substances within, under, or upon any of the lands or tenements which shall be purchased or acquired by them in trust for such university as aforesaid, and also any part or parts of such lands or tenements which may be thought proper or expedient to be demised therewith, unto any person or persons, for any term or number of years not exceeding thirty years, to take effect in possession, and not in reversion or by way of future interest, with full and free liberty, power, and authority to use and work such pits, mines, and quarries, and to search for, win, work, and dispose of such seams or beds as aforesaid, and with such other liberties, powers, and authorities as the said dean and chapter of Durham or their successors shall deem proper or expedient to be granted in any such demise; and also from time to time to demise all or any of the manors, messuages, lands, tenements, and hereditaments which shall be purchased or acquired by the said dean and chapter of Durham or their successors in trust as aforesaid, unto any person or persons for any term or number of years not exceeding twenty-one years for any such demise, unless the same be a building or repairing lease, and not exceeding

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*Durham
University.*

ing sixty years for any such building or repairing lease, and respectively to take effect in possession only, and not in reversion or by way of future interest ; and so as in all such demises or leases there be respectively reserved and made payable during the continuance thereof the best and most improved yearly rent or rents, duties, and reservations respectively which can be reasonably obtained for the same, without taking any fine, premium, or foregift for the making thereof ; and so as in every such demise or lease there be contained a condition of re-entry for nonpayment of the rent and rents, duties, and reservations thereby respectively to be reserved ; and so as every lessee execute a counterpart of his demise or lease ; and so as no lessee, except lessees of such pits, mines, quarries, seams, or beds as aforesaid, and of lands or tenements for a rail or waggon way or ways, be by any clause or words in the demise or lease to him or her authorized to commit waste, or exempted from punishment for committing waste : Provided always, that all leases, grants, conveyances, and assurances which shall be made or executed by the said dean and chapter of Durham or their successors, of all or any part or parts of the hereditaments which shall be purchased or acquired in trust for such university as aforesaid, and shall not be authorized by or be made in pursuance of the powers of leasing lastly herein-before contained, shall be void and of no effect.

XV. And be it further enacted, that it shall be lawful for any person or persons whatsoever, having power to make an absolute disposition thereof, to give, convey, or assure, by any deed or deeds, any messuages, lands, tenements, or other hereditaments, or any estate or interest therein or thereout, or any monies, chattels, or effects, to the said dean and chapter of Durham and their successors, in trust for such university as aforesaid, or for any professor, reader, or other person or persons holding office therein or connected therewith ; any law, statute, or custom to the contrary in anywise notwithstanding.

Persons
may give
lands, &c.
to the dean
and chap-
ter in trust
for the
university.

XVI. And be it further enacted, that it shall and may be lawful for the said court of chancery from time to time

Court of
chancery
may tax

costs, and
order ex-
pences to
be paid.

time to make such an order as the said court shall think fit for taxing and settling all costs, charges, and expences which shall have been or shall be incurred in obtaining and passing this act, and preparatory and incident thereto, and in making and completing the sale of the said lands, tenements, and hereditaments hereby authorized to be sold, or any of them, and also in making the several applications to the said court respecting the several matters aforesaid, and the costs of taking any of the said monies out of the bank, and investing the same in any such purchase or purchases as aforesaid, and all other costs to be incurred in or about the execution of this act, and also from time to time to make an order, if to the same court it shall seem fit, for the payment of such costs, charges, and expences out of the monies so to be paid into the bank as aforesaid, or, if the same are to be paid by the said dean and chapter of Durham for the time being, out of any other monies herein-before authorized to be applied for the establishment and maintenance of such university as aforesaid.

Dean and
chapter to
keep ac-
counts, and
transmit
them to the
bishop of
Durham
yearly.

XVII. And be it further enacted, that the said dean and chapter of Durham for the time being shall from time to time and at all times hereafter keep or cause to be kept a true and complete account, showing the receipt and application of all monies which shall be received by them by virtue of this act for the establishment and maintenance of such university as aforesaid; a copy of which account, made up to the thirty-first day of December in the preceding year, and signed by three or more of the chapter of the said cathedral church, shall, on or before the thirty-first day of January in every year, be transmitted to the lord bishop of Durham for the time being.

General
saving.

XVIII. Saving always to the King's most Excellent Majesty, His heirs and successors (except as patron of the deanery of the said cathedral church), and to all and every other person or persons, bodies politic and corporate, his, her, and their heirs, successors, executors, administrators, and assigns (other than and except the said dean and chapter of Durham and the lord bishop of Dur-

101	John Raw	Dwelling house, shop, outhouse, and yard	East Holborn Street	21 July 1826	5 May 1828	21 years	0 6 0	0 3 0	0 0 4
102	John Hart Smallman	Dwelling house, outhouse, and yard	Do.	21 July 1828	5 May 1828	21 years	0 4 0	0 3 6	0 0 2
103	Mary Robertson	Dwelling house	Commercial Road and Tins Street	28 Sept' 1820	19 May 1820	21 years	0 1 0	0 8 0	0 0 4
104	Richard Shortridge	Dwelling house, outhouses, and yard	Commercial Road	28 Sept' 1826	10 June 1826	21 years	0 2 6	-	0 0 13
105	John Barras	Public house, dwelling house, outhouse, and yard	Do.	28 Sept' 1826	10 June 1826	21 years	0 2 6	-	0 0 18
106	Richard Shortridge, Caroline Shortridge, Ann Shortridge, Mary Shortridge, and Emma Shortridge.	Crown glass works, warehouses, calker houses, sheds, offices, and yards	Mill Dam	28 Sept' 1820	15 July 1820	21 years	2 16 0	3 10 0	0 3 36
107	Lease Cookson, Esq ^r	Crown and plate glass works, warehouses, workshops, calker houses, dwelling houses, outhouses, quays, yards, and vacant ground	Cookson's Quay and Cookson's Street	21 July 1828	9 May 1828	21 years	6 0 0	11 4 0	3 2 36
108	Mary Kelly	Dwelling house, shops, outhouses, and yards	Market Place	20 Jan' 1824	20 Nov' 1823	40 years	2 7 6	8 6 0	0 0 11
109	Christopher Bednbridge	Dwelling house, outhouse, and yard	Do.	20 July 1823	20 Nov' 1821	40 years	1 7 6	0 14 0	0 0 4
110	James Kirkley	Dwelling house, shops, outhouses, and yard	Do.	20 Nov' 1823	20 Nov' 1823	40 years	2 2 6	0 9 0	0 0 6
111	Elizabeth Robson	Public house, dwelling house, outhouses, and yard	Dean Street	20 Jan' 1824	20 Nov' 1823	40 years	2 4 8	0 12 0	0 0 7
112	Elizabeth Harrison and John Cockburn	Dwelling houses, shop, public house, outhouses, and yards	Do.	20 July 1824	12 Nov' 1823	40 years	2 17 0	0 8 0	0 0 19
113	Christopher Taylor, James Kirkley, and Benjamin Thompson	Public house, outhouse, and yard	Do.	20 July 1827	20 May 1827	40 years	1 9 0	0 2 0	0 0 246
114	Christopher Wood	Dwelling houses, public house, shops, outhouses, and yard	Market Place	20 July 1824	20 Nov' 1822	40 years	2 2 0	0 7 0	0 0 11
115	John Brown and Susan Elliott.	Dwelling houses, shops, outhouses, and yards	King Street	20 July 1824	20 Nov' 1823	40 years	2 5 0	0 14 0	0 0 17
116	Russell Bowly	Public house, dwelling house, shop, outhouses, and yard	Do.	20 July 1827	23 April 1827	40 years	2 5 0	8 5 0	0 0 1816
117	William Reay and George Taylor.	Public house dwelling house, outhouse, and yard	Do.	20 July 1824	20 Nov' 1823	40 years	1 2 6	8 4 0	0 0 9
118	Alexander Falconer and James Simms.	Dwelling houses, shop, outhouses, and yard	Do.	20 July 1824	20 Nov' 1823	40 years	1 2 6	0 4 0	0 0 9

costs, and
order ex-
pences to
be paid.

time to make such an order as the said court shall think fit for taxing and settling all costs, charges, and expences which shall have been or shall be incurred in obtaining and passing this act, and preparatory and incident thereto, and in making and completing the sale of the said lands, tenements, and hereditaments hereby authorized to be sold, or any of them, and also in making the several applications to the said court respecting the several matters aforesaid, and the costs of taking any of the said monies out of the bank, and investing the same in any such purchase or purchases as aforesaid, and all other costs to be incurred in or about the execution of this act, and also from time to time to make an order, if to the same court it shall seem fit, for the payment of such costs, charges, and expences out of the monies so to be paid into the bank as aforesaid, or, if the same are to be paid by the said dean and chapter of Durham for the time being, out of any other monies herein-before authorized to be applied for the establishment and maintenance of such university as aforesaid.

Dean and
chapter to
keep ac-
counts, and
transmit
them to the
bishop of
Durham
yearly.

XVII. And be it further enacted, that the said dean and chapter of Durham for the time being shall from time to time and at all times hereafter keep or cause to be kept a true and complete account, showing the receipt and application of all monies which shall be received by them by virtue of this act for the establishment and maintenance of such university as aforesaid; a copy of which account, made up to the thirty-first day of December in the preceding year, and signed by three or more of the chapter of the said cathedral church, shall, on or before the thirty-first day of January in every year, be transmitted to the lord bishop of Durham for the time being.

General
saving.

XVIII. Saving always to the King's most Excellent Majesty, His heirs and successors (except as patron of the deanery of the said cathedral church), and to all and every other person or persons, bodies politic and corporate, his, her, and their heirs, successors, executors, administrators, and assigns (other than and except the said dean and chapter of Durham and the lord bishop of Dur-

ham for the time being), all such estate, right, title, interest, claim, or demand of, in, to, or out of the said lands, tenements, and hereditaments, comprised in the leases mentioned in the said schedule, and vested in trust and authorized to be sold as aforesaid, or any part or parts thereof respectively, as they, every or any of them, had before the passing of this act, or might or could have had or enjoyed in case this act had not passed.

*Durham
University.*

XIX. And be it further enacted, that this act shall be printed by the several printers to the King's most Excellent Majesty duly authorized to print the statutes of the United Kingdom, and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges, justices, and others.

Act to be
printed by
the King's
printers.

The SCHEDULE referred to in this Act.

COUNTY PALATINE OF DURHAM.

Township of South Shields.

	Lessee Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commencement of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
1	Cuthbert Young the elder, Thomas Young, Cuthbert Young the younger, William Horn, Nathan Horn, and Robert Horn.	Graving docks, ship-building yard, dwelling houses, warehouses, workshops, and outhouses	West Docks	20 Sept' 1830	1 June 1830	31 years	£ s. d. 4 10 0	£ s. d. .	A. R. P. 4 1 9
2	John Brown and John Bidley.	Graving docks, ship-building yard, dwelling houses, warehouses, and workshops	High Dock	20 Sept' 1830	22 May 1830	21 years	1 13 4	0 0 0	1 1 20
3	John Brown and John Bidley	Warehouse and waste ground	Do.	20 Sept' 1830	22 May 1830	21 years	0 2 6	0 5 0	0 0 31
4	Russell Bowley	Quay ship-building yard, dwelling houses, and warehouses	West Holborn Street	20 July 1830	26 March 1830	21 years	3 10 0	3 13 0	0 3 8
5	William Mayors	Public house	Do.	20 July 1830	19 March 1830	21 years	0 0 9	0 6 3	0 0 4
6	Christopher Wood	Public house	Do.	20 July 1830	13 May 1830	21 years	0 1 0	0 4 0	0 0 3
7	Christopher Wood	Public house, dwelling houses, and yard	Do.	20 July 1830	13 June 1830	21 years	0 17 0	0 4 0	0 0 18
8	Jeremiah Archer	Dwelling house and outhouse	Do.	20 July 1830	16 March 1830	21 years	0 0 6	0 5 4	0 0 7
9	Jeremiah Archer	Dwelling house, outhouse, and yard	Do.	20 July 1830	15 April 1830	21 years	0 8 0	0 16 0	0 0 8
10	Ann Straughan	Dwelling houses, outhouses, and yard	Do.	21 July 1830	5 August 1837	31 years	0 8 0	0 8 0	0 0 13
11	Ann Belcrain and Hannah Belcrain.	Dwelling houses, shops, outhouses, and yard	Do.	5 April 1830	12 Oct' 1835	31 years	0 6 0	0 4 0	0 0 16
12	William Wright	Public house, shop, outhouses, and yard	West Holborn Street	5 April 1830	19 Oct' 1835	31 years	0 3 6	0 8 0	0 0 8
13	Richard Shortridge, George Edward Sawyer, and Edward Walker	Print glass works, warehouse, quay, and yard	Do	20 July 1830	1 May 1840	31 years	4 19 0	3 0 0	0 3 34

14	Richard Shortridge, George Edward Sawyer, and Edward Walker.	Paint and whitening manufactory, warehouse, quay, and yard	Do.	20 July 1829	1 May 1829	21 years	0 16 0	0 19 0	0 0 34
15	John Hutchinson	Dwelling houses, outbuildings, and yard	Do.	20 July 1829	1 May 1829	21 years	0 14 0	0 6 0	0 0 10
16	Thomas Blagburn	Dwelling houses, outhouses, and yard	Do.	20 July 1831	5 Feb' 1831	21 years	0 6 0	0 3 0	0 0 11
17	Robert Fenwick	Public house and dwelling house	Do.	28 Sept' 1826	18 June 1826	21 years	0 4 0	0 12 0	0 0 16
18	John Headlam	Public house, dwelling house, outhouses, and yard	Do.	8 April 1826	29 June 1826	21 years	0 4 0	- - -	0 0 17
19	Christopher Wood and Ann Hall.	Public house, shop, outhouse, and yard	Do.	20 July 1830	23 Feb' 1830	21 years	0 1 0	0 3 6	0 0 9
20	Christopher Wood	Public house, dwelling house, shop, outhouse, and yard	Do.	27 Sept' 1828	13 July 1828	21 years	0 5 0	0 4 0	0 0 12
21	Jane Whichello	Dwelling house and shop and yard	Do.	21 Nov' 1831	12 June 1830	21 years	0 2 8	- - -	0 0 3
22	George Rippon and Mary his wife.	Dwelling house and shop	Do.	28 Sept' 1826	1 May 1826	21 years	0 3 0	0 4 0	0 0 3
23	George Douthwaite	Dwelling house and shop	Do.	10 Feb' 1827	1 Nov' 1826	21 years	0 1 4	0 1 8	0 0 2
24	Jane Whichello	Dwelling house, shop, and yard	Do.	10 Feb' 1827	1 Nov' 1826	21 years	0 2 0	0 1 0	0 0 6
25	John Tinley	Dwelling house, shop, and yard	Do.	28 Sept' 1826	1 May 1826	21 years	0 6 0	0 5 6	0 0 7
26	William Mayors the younger.	Dwelling house, shop, outhouse, and yard	Do.	9 April 1830	1 Nov' 1830	21 years	0 2 0	0 1 4	0 0 10
27	Christopher Wood	Two public houses, outhouses, shops, and yards	Do.	20 July 1826	1 May 1826	21 years	0 15 0	0 14 6	0 0 19
28	Richard Shortridge, George Edward Sawyer, and Edward Walker.	Public house, shops, dwelling houses, outhouses, quay, and yard	Do.	20 July 1831	1 Nov' 1830	21 years	1 8 0	1 1 8	0 1 11
29	Margaret Sinton and Jane Sinton.	Dwelling houses, outhouse, and shop	Do.	10 Feb' 1827	1 Nov' 1826	21 years	0 2 8	0 0 4	0 0 8
30	Ralph Naters	Public house, shop, bakehouse, and yard	Do.	20 July 1829	3 June 1829	21 years	0 16 6	0 14 0	0 0 9
31	William Hepple	Dwelling houses, outhouses, and yard	Laygate Street } West Hol- } born Street }	20 July 1826	1 May 1826	21 years	0 7 0	0 3 0	0 0 17
32	Thomas Blagburn	Dwelling houses, shop, outhouses, and yard	Do.	28 Sept' 1826	20 Aug. 1826	21 years	0 3 0	0 4 0	0 0 7
33	Addison Langhorn Potter	Public house, dwelling house, shop, and yard	Do.	27 Sept' 1828	7 Sept' 1828	21 years	0 6 0	1 0 0	0 0 23
34	Isabella Johnson	Public house, dwelling house, shops, outhouses, and yard	Do.	20 July 1827	8 March 1827	21 years	0 8 4	1 4 4	0 0 20
35	Cuthbert Richardson	Dwelling house, shop, outhouse, and yard	Do.	20 July 1827	8 March 1827	21 years	0 1 8	0 4 8	0 0 4
36	Christopher Wood	Public house, shop, dwelling house, outhouse, and yard	Do.	20 Feb' 1833	26 Oct' 1831	21 years	0 3 4	0 6 8	0 0 8

Durham
University.

SCHEDULE—continued.

Leases Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence- ment of Lease.	Term in d.	Reserved Rents.	Land Tax.	Quantity.
27 John Holliday	Dwelling house, shops, out- houses, and yard	West Hol- born Street	21 Nov' 1831	26 Oct' 1831	21 years	£ s. d. 0 1 8	£ s. d. 0 3 4	A. R. P. 0 0 7
28 John Henderson	Dwelling house, shops, out- houses, and yards	Do.	28 Sept' 1829	21 July 1829	21 years	0 4 0	0 8 4	0 0 4
29 William Henderson	Dwelling house and outhouse	Henderson's Lane	20 July 1826	29 April 1826	21 years	0 10 0	0 2 0	0 0 5
40 William Henderson	Dwelling house and outhouse	Hill Street	10 Feb' 1827	29 Sept' 1826	21 years	0 2 6	0 3 0	0 0 2
41 William Henderson	Dwelling house, shop, and yard	West Hol- born Street	10 Feb' 1827	29 Sept' 1826	21 years	0 2 6	0 19 0	0 0 4
42 Ralph Naters	Public house, outhouse, and yard	Do.	20 July 1826	29 April 1826	21 years	0 2 6	0 10 0	0 0 9
43 John Smith	Dwelling house, shops, and bake- house	East Hol- born Street	28 Sept' 1826	28 Sept' 1826	21 years	0 8 0	0 6 0	0 0 7
44 Thomas Nelson	Public house, dwelling house, shops, and yard	Do.	27 Sept' 1828	27 Sept' 1828	21 years	0 2 0	0 3 0	0 0 6
45 Hugh Shield	Dwelling house and shop	Do.	28 Sept' 1830	1 July 1830	21 years	0 5 0	0 4 0	0 0 7
46 Michael Longridge	Dwelling houses, shops, work- shops, outhouses, and yards	East Holborn Street and Hill Street	21 July 1828	28 Sept' 1827	21 years	0 9 0	1 0 0	0 1 10
47 John Hart Smallman	Public house, dwelling house, outhouses, and yard	Hill Street	20 July 1829	20 Jan' 1829	21 years	0 2 4	0 8 0	0 0 10
48 Thomas Wright	Dwelling houses, shops, out- buildings, and yard	East Hol- born Street	28 Sept' 1827	28 Sept' 1827	21 years	0 9 6	0 4 0	0 0 14
49 William Davison	Public houses, dwelling houses, workshops, and yards	Do. and Carpenter Street	8 April 1826	14 July 1825	21 years	0 5 0	0 7 0	0 0 16
50 Christopher Wood	Public house, dwelling houses, warehouses, outhouses, and yard	East Hol- born Street	20 July 1826	8 April 1826	21 years	0 2 4	0 7 0	0 0 18
51 Mary Mackreath	Public house, outhouse, and yard	Nile Street	20 Nov' 1826	2 Oct' 1826	21 years	0 1 0	0 2 6	0 0 2
52 William Parkin	Dwelling houses, outhouses, and yard	Do.	20 July 1826	17 April 1826	21 years	0 2 6	0 3 3	0 0 12
53 John Straffen	Dwelling house, outhouses, and yard	Do.	20 July 1826	17 April 1826	21 years	0 2 6	0 2 2	0 0 10
54 John Clay	Dwelling house, shops, outhouses, and yards	East Hol- born Street	20 July 1826	17 April 1826	21 years	0 10 0	0 2 0	0 0 24
55 Ralph Naters	Public house, dwelling house, outhouse, and yard	Do.	20 July 1827	12 May 1827	21 years	0 4 0	0 4 0	0 0 5½

56	Ralph Naters	Dwelling house, outhouse, and yard	Do.	9 April 1831	27 Sept' 1830	21 years	0 6 0	0 10 0	0 0 5½
57	Richard Dockwray	Dwelling houses, outhouses, and yard	Do.	8 April 1836	26 Sept' 1833	31 years	0 1 6	0 7 0	0 0 10
58	George Lockey	Dwelling houses, outhouses, and yards	Do.	20 July 1831	8 Oct' 1830	31 years	0 7 0	-	0 0 7
59	Simon Temple	Public house outhouse and yard	Do.	20 July 1831	8 Oct' 1830	31 years	0 3 0	-	0 0 4
60	Matthew Wallace	Dwelling houses, shops, outhouses, and yards	Do.	5 Jan' 1831	7 Nov' 1830	31 years	0 5 0	-	0 0 10
61	John Straffon	Public house, outhouse, and yard	Do.	28 Sept' 1835	20 May 1826	21 years	0 4 0	0 2 0	0 0 6
62	William Woods	Warehouse, quay, and yard	Do.	28 Sept' 1830	20 May 1830	31 years	3 0 0	-	0 1 4
63	William Woods	Dwelling house, blacksmith's shop, and yard	Do.	28 Sept' 1830	22 May 1830	31 years	1 5 0	-	0 0 14
64	William Cuthbert, Esq.	Bottle houses, quay, warehouses, dwelling houses, stables, outhouses, and yards	Do.	20 July 1831	20 Dec' 1830	21 years	7 17 3	5 12 0	2 0 34
65	Christopher Wawn	Dwelling houses, shops, outhouses, and yard	Do.	20 July 1837	19 May 1837	21 years	0 2 6	1 0 2	0 0 11
66	Ann Pollard	Dwelling house	Pie Lane	28 Sept' 1829	17 Sept' 1829	21 years	0 2 0	0 1 6	0 0 2½
67	Edward Walker	Dwelling house, outhouse, and yard	Do.	8 April 1826	17 Sept' 1823	21 years	0 12 0	-	0 0 7
68	Margaret Rogers	Dwelling house and yard	East Hob- born Street	20 July 1827	3 March 1827	21 years	0 0 2	-	0 0 1½
69	Charles Payne	Dwelling house and yard	Do.	20 July 1827	3 March 1827	21 years	0 2 4	-	0 0 2
70	Sarah Parkin, Ann West- man, and Mary Raines.	Dwelling house, shop, and yard	Do.	20 July 1827	3 March 1827	21 years	0 2 2	-	0 0 2
71	John Fotheringham	Dwelling house, shop, and yard	Do.	8 April 1828	20 Nov' 1826	21 years	0 0 6	0 1 9	0 0 4
72	George Fillion	Public house, shop, outhouse, and yard	Do.	8 April 1828	20 Nov' 1826	21 years	0 0 6	0 1 9	0 0 2
73	Christopher Wood	Dwelling house, shops, outhouses, and yard	Do.	20 July 1828	28 March 1826	21 years	0 1 0	0 2 0	0 0 6
74	Mary Reed	Dwelling house, shops, outhouses, and yard	Do.	21 July 1828	20 Jan' 1828	21 years	0 3 0	0 8 0	0 0 7
75	William Charles Chaytor and John Leybourne	Dwelling houses, shops, outhouses, and yard	Do.	20 Feb' 1822	20 Feb' 1822	21 years	0 5 0	0 8 0	0 0 10
76	Joseph Shout	Dwelling houses, shops, outhouses, and yard	Do.	20 July 1827	7 April 1827	21 years	0 2 5	0 8 0	0 0 7½
77	Joseph Shout	Dwelling house, outhouse, and yard	Do.	20 July 1827	20 June 1827	21 years	0 6 0	-	0 0 2½
78	Sarah Weatherburn	Public house, dwelling house, outhouse and yard	Do.	6 April 1826	21 July 1825	21 years	0 3 0	0 6 0	0 0 12
79	Mary Heath	Public house, outhouse, and yard	Do.	21 July 1828	1 June 1826	21 years	0 6 0	0 12 0	0 0 11
80	John Buddle	Public houses, dwelling houses, outhouses, and yard	Do.	28 Sept' 1827	13 June 1827	21 years	0 2 4	0 18 0	0 0 16

Durham
University.

SCHEDULE—continued.

	Lessees Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commencement of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
81	Ralph Naters	Public house, shops, bakehouse, outhouses, and yard.	East Holborn Street	28 Sept' 1827	21 July 1827	21 years	£ s. d. 0 7 6	£ s. d. 0 5 0	A. R. P. 0 0 15
82	John Innerwick	Dwelling houses and shop	Do.	30 Jan. 1829	17 Oct' 1828	21 years	0 0 10	0 5 0	0 0 4
83	George Marchbank	Dwelling houses and yard	Do.	27 Sept' 1829	17 July 1828	21 years	0 1 6	0 6 0	0 0 8
84	Ralph Naters	Public house, warehouse, outhouses, cellar and yard.	Do.	27 Sept' 1828	17 July 1828	21 years	0 2 8	0 12 0	0 0 11
85	Ralph Newbegin and James Guthrie	Dwelling house, shop, outhouse, and yard	Do.	25 Jan. 1830	20 Nov' 1829	21 years	0 3 6	0 3 6	0 0 4
86	Robert Bell	Public house, outhouse, and yard	Do.	26 Jan. 1830	20 Nov' 1829	21 years	0 10 6	0 5 6	0 0 9
87	Jane Robson	Dwelling house, bakehouse, and yard	Do.	26 Jan. 1830	20 Nov' 1829	21 years	0 4 0	0 1 6	0 0 2½
88	Ralph Naters	Public house and yard	Do.	26 Jan. 1830	12 Nov' 1829	21 years	0 1 0	1 0 0	0 0 2
89	John Clay	Dwelling house and shop	Do.	27 Sept' 1828	17 July 1828	21 years	0 0 2	0 4 0	0 0 2
90	Matthew Woodfield	Quay, raft yard, shed, stable, dwelling house, and outhouse	Brewery Lane	20 July 1829	21 May 1829	21 years	2 8 8	1 12 0	0 2 16
91	Charles Magnus, Thomas Bell, and Francis Jefferson.	Brewery quay, dwelling houses, stable, and yard	Do.	20 July 1829	21 May 1829	21 years	1 15 0	0 10 0	0 1 0
92	Thomas Bell, Francis Jefferson, and Christopher Thew.	Quay, malting, boat, and block-maker's shop, raft yard, and shed	Do.	28 Sept' 1830	12 June 1830	21 years	9 10 0	3 4 0	0 2 24
93	Robert Dawson and Thomas Turnbull.	Dwelling house, shop, outhouse, and yard	Do.	26 Jan' 1830	12 Nov' 1829	21 years	0 2 6	0 6 0	0 0 10
94	Catherine Naylor	Public house and shop	East Holborn Street	20 July 1826	12 Nov' 1825	21 years	0 2 6	0 6 0	0 0 6
95	Joseph Robson	Dwelling house and shop	Do.	20 July 1830	12 May 1830	21 years	0 1 6	0 2 0	0 0 8
96	Ralph Naters	Dwelling and public house	Do.	27 Sept' 1828	17 July 1828	21 years	0 1 0	0 6 0	0 0 2
97	George Richardson	Dwelling house and shop	Do.	28 Sept' 1830	12 June 1830	21 years	0 6 0	.	0 0 2
98	Jacob Potts	Dwelling houses and shops	Commercial Road and Tinsy Street	20 July 1831	12 Nov' 1830	21 years	0 6 6	0 2 0	0 0 6
99	George Potts	Dwelling house	East Holborn Street	21 July 1828	6 May 1828	21 years	0 4 0	0 2 6	0 0 1
100	John Vlasak and Mary Vlasak.	Dwelling house	Tinsy Street	21 July 1828	2 May 1828	21 years	6 2 6	0 4 0	0 0 2

101	John Raw	Dwelling house, shop, outhouse, and yard	East Holborn Street	21 July 1826	5 May 1828	21 years	0 6 0	0 3 0	0 0 4
102	John Hart Smallman	Dwelling house, outhouse, and yard	Do.	21 July 1826	5 May 1828	21 years	0 4 0	0 3 6	0 0 3
103	Mary Robertson	Dwelling house	Commercial Road and Tiny Street	28 Sept' 1820	12 May 1820	31 years	0 1 0	0 8 6	0 0 4
104	Richard Shortridge	Dwelling house, outhouses, and yard	Commercial Road	28 Sept' 1826	10 June 1826	31 years	0 2 6	-	0 0 13
105	John Barnes	Public house, dwelling house, outhouses, and yard	Do.	28 Sept' 1826	10 June 1826	31 years	0 2 6	-	0 0 19
106	Richard Shortridge, Caroline Shortridge, Ann Shortridge, Mary Shortridge, and Emma Shortridge	Crown glass works, warehouses, calker houses, sheds, offices, and yards	Mill Dam	28 Sept' 1820	13 July 1820	31 years	2 16 0	3 10 0	0 3 28
107	Isaac Cookson, Esq ^r	Crown and plate glass works, warehouses, workshops, calker houses, dwelling houses, outhouses, quays, yards, and vacant ground	Cookson's Quay and Cookson's Street	21 July 1826	9 May 1828	31 years	6 0 0	11 4 0	5 3 34
108	Mary Kelly	Dwelling houses, shops, outhouses, and yards	Market Place	20 Jan' 1824	20 Nov' 1823	40 years	3 7 6	0 8 6	0 0 11
109	Christopher Bainbridge	Dwelling house, outhouse, and yard	Do.	20 July 1822	20 Nov' 1821	40 years	1 7 6	0 14 0	0 0 4
110	James Kirkley	Dwelling house, shops, outhouses, and yard	Do.	20 Nov' 1823	20 Nov' 1822	40 years	2 2 6	0 3 0	0 0 8
111	Elizabeth Robson	Public house, dwelling houses, outhouses, and yard	Dean Street	20 Jan' 1824	20 Nov' 1823	40 years	2 6 0	0 13 0	0 0 7
112	Elizabeth Harrison and John Cockburn	Dwelling houses, shop, public house, outhouses, and yards	Do.	20 July 1824	12 Nov' 1823	40 years	3 17 0	0 8 0	0 0 19
113	Christopher Taylor, James Kirkley, and Benjamin Thompson	Public house, outhouses, and yard	Do.	20 July 1827	20 May 1827	40 years	1 0 0	0 3 0	0 0 24
114	Christopher Wood	Dwelling houses, public house, shop, outhouses, and yard	Market Place	20 July 1824	20 Nov' 1823	40 years	3 3 0	0 7 0	0 0 11
115	John Brown and Susan Elliott	Dwelling houses, shops, outhouses, and yards	King Street	20 July 1824	20 Nov' 1823	40 years	2 5 0	0 14 0	0 0 17
116	Russell Bowlby	Public house, dwelling house, shop, outhouses and yard	Do.	20 July 1827	23 April 1827	40 years	2 5 0	0 8 0	0 0 16 1/4
117	William Reay and George Taylor	Public house, dwelling house, outhouse, and yard	Do.	20 July 1824	20 Nov' 1823	40 years	1 2 6	0 4 0	0 0 9
118	Alexander Falconer and James Simms	Dwelling houses, shop, outhouses, and yard	Do.	20 July 1824	20 Nov' 1823	40 years	1 2 6	0 4 0	0 0 9

Durham University.

SCHEDULE—continued.

Lessees Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence- ment of Lease.	Term held.	Reserved Rents.		Land Tax.		Quantity.		
						£	s. d.	£	s. d.	£	s. d.	A. R. P.
119 John Oyston	Dwelling house, outhouses, and yard	King Street	12 Feb. 1825	20 Nov' 1824	40 years	0	16 0	0	4 0	0	0 9	
120 John Dobson	Dwelling houses, outhouses, and yard	Do.	25 Jan. 1830	2 Oct' 1829	40 years	2	5 0	0	5 0	0	0 15	
121 John Robson and William Glover.	Dwelling house, outhouse, and yard	Do.	20 July 1826	24 April 1826	40 years	0	11 3	0	2 0	0	0 4	
122 John Robson and William Glover.	Dwelling house and yard	Do.	20 July 1826	24 April 1826	40 years	0	11 3	0	2 0	0	0 3½	
123 Alexander Falconer, James Simm, and William Forrest.	Dwelling house, outhouse, and yard	Do.	20 July 1826	24 April 1826	40 years	1	2 6	-	- -	0	0 7	
124 Christopher Taylor and Benjamin Thompson.	Public house and dwelling house	Do.	21 July 1828	18 April 1828	40 years	0	10 0	0	4 10	0	0 2	
125 John Finley	Dwelling house, shop, outhouse, and yard	Do.	27 Sept' 1828	18 April 1828	40 years	0	3 0	0	1 2	0	0 2	
126 John Johnson	Dwelling house and outhouse	Do.	21 July 1828	18 April 1828	40 years	0	7 0	0	2 10	0	0 3	
127 George Lawson	Dwelling house, outhouse, and yard	Do.	8 April 1826	9 August 1825	40 years	0	15 0	0	4 0	0	0 4	
128 Elizabeth Wilson	Dwelling houses, outhouses, and yard	Market Place	20 Jan' 1824	20 Nov' 1823	40 years	2	3 6	0	9 0	0	0 8	
129 Elizabeth Wilson	Dwelling house	Chapter Row	20 Jan' 1824	20 Nov' 1823	40 years	0	15 0	0	3 4	0	0 3	
130 Thomas Salmon	Dwelling house, office, outhouse, and yard	Market Place	20 Jan' 1824	20 Nov' 1823	40 years	1	10 0	0	5 8	0	0 7	
131 Matthew Thompson	Dwelling house, shop, outhouse, and yard	Spring Lane	28 Sep' 1829	19 Sept' 1829	21 years	0	2 0	0	3 0	0	0 5	
132 Matthew Thompson	Dwelling house, outhouse, and yard	Do.	28 Sep' 1831	20 Sept' 1831	21 years	0	2 6	0	3 0	0	0 8	
133 Christopher Wood	Brewery, malting, dwelling house, office, stable, outhouse, quay, and yard	Do.	27 Sept' 1828	19 July 1828	21 years	1	1 0	-	- -	0	1 22	
134 Thomas Forsyth, George Marshall, Thomas Bell, Isabella Marshall, Robert Isaacell, and Thomas Forrest.	Ship-building yard, workshop, shed, and quay	Do.	10 Feb' 1827	10 Sept' 1826	21 years	0	16 0	-	- -	0	0 36	
135 Thomas Forsyth, George Marshall, Thomas Bell, Isabella Marshall, Robert Isaacell, and Thomas Forrest.	Public house, dwelling house, part of graving dock, workshop, outhouse, yard, and quay	Thrift Street and Spitting Lane	10 Feb' 1827	9 Oct' 1826	21 years	3	3 4	3	12 6	0	1 34	

137	James Forsyth, George Marshall, Thomas Bell, Isabella Marshall, Robert Hansell, and Thomas Forrester.	Dwelling houses, shops, warehouses, outhouses, part of a graving dock, quays, and yard	Thrift Street	10 Feb' 1827	20 Nov' 1826	21 years	4	5	4	0	7	6	0	1	23
138	James Evans	Public house, dwelling houses, warehouse, outhouses, and yard	Spring Lane	26 Sept' 1831	19 Sept' 1831	21 years	0	12	0	0	7	8	0	0	31
139	Christopher Wood	Dwelling house, warehouse, outhouse, yard, and well	Evans Lane and Spring Lane	28 Sept' 1831	19 Sept' 1831	21 years	0	2	0	0	3	0	0	0	4½
140	Christopher Wood	Public house, outhouse, and yard	Tyne Street	19 Nov' 1825	16 Aug' 1825	21 years	0	3	0	0	4	0	0	0	5
141	Dorothy Maria Dale	Public house	Spring Lane	26 Sept' 1831	16 Aug' 1831	21 years	0	2	0	0	4	0	0	0	3
142	Maria Elbege	Dwelling house, sail-loft, and outhouse	Spring Lane and Tyne Street	20 July 1826	3 May 1826	21 years	0	2	6	0	4	0	0	0	8
143	William Maugham, Thomas Masterman Winterbottom, and Nicholas Fairlies	Charity school-house, library, and outhouse	Spring Lane	20 Nov' 1827	19 Sept' 1827	21 years	0	2	0	-	-	-	-	-	3
144	John Darras	Public house, dwelling houses, shop, outhouse, and yard	Thrift Street and Harding's Bank	26 Sept' 1831	25 Sept' 1831	21 years	0	0	6	0	4	0	0	0	11½
145	Daniel Heatley	Dwelling houses and shops	Thrift Street	20 July 1826	25 March 1825	21 years	0	4	6	0	4	0	0	0	8½
146	John Paxton	Dwelling houses, shops, outhouses, and yards	Do.	20 Feb' 1823	27 Sept' 1831	21 years	0	2	6	0	4	0	0	0	15
147	Christopher Wood	Public house, dwelling houses, outhouses, and yard	Do.	20 July 1827	19 June 1827	21 years	0	6	3	0	6	0	0	0	13
148	Christopher Wood	Public house, dwelling houses, shops, outhouses, and yards	Do.	20 July 1830	19 June 1830	21 years	0	6	3	0	6	0	0	0	12
149	Joseph Shout	Dwelling house and shop	Do.	26 Sept' 1829	7 Sept' 1829	21 years	0	2	6	0	4	0	0	0	3
150	Christopher Taylor	Public house, dwelling house, and shop	Do.	26 Sept' 1829	7 Sept' 1829	21 years	0	4	4	0	8	0	0	0	7
151	Benjamin Thompson	Dwelling houses, shop, outhouses, and yard	Do.	26 Sept' 1830	7 June 1830	21 years	0	1	0	-	-	-	-	-	6
152	Ann Kirkby	Public houses, dwelling houses, outhouses, and yard	Thrift Street and Anderson's Lane	26 Sept' 1831	5 Sept' 1831	21 years	0	2	6	0	6	0	0	0	9
153	William Pinkney and Isabella his wife.	Dwelling houses, shops, outhouses, and yard	Do.	26 Sept' 1826	19 July 1826	21 years	0	2	0	0	6	0	0	0	6

SCHEDULE—continued.

	Leasees Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence- ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
							£ s. d.	£ s. d.	A. R. P.
153	Ann Forsyth and Thomas Forsyth.	Dwelling house and shop	Thrift Street	30 Jan' 1829	9 Oct' 1828	21 years	0 5 0	0 4 0	0 0 3½
154	Ann Hensell	Dwelling house and outhouse	{ Forsyth's Bank	20 Nov' 1830	26 Sept' 1830	21 years	0 1 6	0 8 0	0 0 2½
155	John Harrison	Public house	Thrift Street	20 July 1831	7 March 1831	21 years	0 2 2	0 4 0	0 0 3
156	Charles Cockerill and Jonathan Cockerill	Dwelling house and shop	Do.	20 July 1830	7 Dec' 1829	21 years	0 2 2	0 4 0	0 0 3
157	Mary Craster	Graving dock, ship-building yard, quay, warehouses, dwelling houses, sheds, outhouses, and yards	Do.	20 July 1830	7 Dec' 1829	21 years	5 11 2	5 17 2	0 3 36
158	James Wright and Mary his wife.	Dwelling houses, shops, outhouses, and yard	Do.	20 July 1831	7 Sep' 1830	21 years	0 3 4	0 3 0	0 0 8
159	Philip Laing and James Laing.	Public house	Do.	28 Sept' 1829	7 Sept' 1829	21 years	0 1 0	0 1 0	0 0 1½
160	George Spurrs	Public house, dwelling house, and shop	Long Row	21 July 1828	28 Dec' 1827	21 years	0 2 6	0 4 0	0 0 4½
161	Edward Backhouse	Public house	Do.	20 July 1830	28 March 1830	21 years	0 2 6	0 4 0	0 0 2
162	William Forrest	Dwelling house, shop, outhouse, and yard	Do.	20 July 1827	28 March 1827	21 years	0 0 10	- - -	0 0 4
163	Margaret Cunningham and Susannah Cunningham.	Dwelling house, shop, and yard	Do.	20 July 1830	28 Sept' 1829	21 years	0 0 10	0 3 0	0 0 3
164	William Newbegin	Dwelling house, shop, outhouse, and yard	Do.	20 Nov' 1827	28 Sept' 1827	21 years	0 0 10	0 3 6	0 0 3
165	James Gledstone	Dwelling house, outhouse, shop, and yard	Do.	21 July 1828	28 March 1828	21 years	0 1 3	0 4 4	0 0 3
166	Jane Ridley	Dwelling houses, shop, outhouses, and yard	Do.	27 Sept' 1826	27 Sept' 1828	21 years	0 1 3	0 4 0	0 0 3
167	William Henderson	Dwelling house, shops, outhouses, and yard	Do.	21 July 1826	28 June 1826	21 years	0 3 6	0 7 0	0 0 6
168	Jane Mardison	Dwelling house, shop, outhouse, and yard	Do.	27 Sept' 1828	27 Sept' 1828	21 years	0 1 6	0 3 0	0 0 4
169	Christopher Wren	Public house, outhouse, and yard	Do.	27 Sept' 1828	27 Sept' 1828	21 years	0 1 0	0 3 0	0 0 4

170	Christopher Crawford	Dwelling house, outhouse, and yard	Do.	30 July 1836	31 years	0 2 6	0 4 0	0 9 6
171	John Fenwick	Dwelling house, shop, outhouse, and yard	Do.	30 Feb' 1831	31 years	0 0 3	0 0 0	0 0 3
172	Edward Pattinson	Dwelling house, shop, outhouse, and yard	Do.	30 Feb' 1831	31 years	0 0 6	0 1 5	0 0 6
173	Christopher Bainbridge and George Spurrier.	Public house, outhouse, and yard	Do.	30 Feb' 1831	31 years	0 0 6	0 1 5	0 0 3
174	Edward Walker	Dwelling houses, shops, ware-houses, outhouses, and yard	Do.	26 Sept' 1830	31 years	0 2 6	0 13 0	0 0 13
175	Ann Bulcraig and Hannah Bulcraig.	Public house, dwelling houses, shops, outhouses, and yards	Do.	30 July 1829	31 years	0 2 6	0 4 6	0 0 7
176	Ralph Naters	Public house, outhouses, and yard	Dockways Lane	28 Sept' 1830	31 years	0 5 0	0 8 0	0 0 8 10
177	Samuel Blenkinsop, Nicholas Blenkinsop, and Ann Blenkinsop.	Graving dock, quay, workshops, and yard	Wapping Street	30 Jan' 1829	31 years	2 0 0	-	0 1 16
178	Samuel Blenkinsop, Nicholas Blenkinsop, and Ann Blenkinsop	Quay, ship-building yard, sheds, and loft, dwelling houses, shops, workshops, outhouses, and yards	Do.	30 Jan' 1829	31 years	1 0 0	-	0 1 31
179	Christopher Bainbridge and George Spurrier.	Dwelling house, shop, outhouse, and yard	Lower Thames Street	30 Feb' 1831	31 years	0 0 6	0 1 5	0 0 10
180	Samuel Blenkinsop, Nicholas Blenkinsop, and Ann Blenkinsop.	Dwelling house, shops, outhouses, and ground	Wapping Street	30 Jan' 1829	31 years	0 5 0	-	0 0 16
181	Isabella Wrightson	Dwelling houses, shops, work-shops, quay, foundry, ware-houses, outhouses, office, and yard	Do.	31 July 1838	31 years	1 0 0	0 12 0	0 1 8
182	William Whitaker Spence	Dwelling house, shop, outhouse, and yard	Do.	28 Sept' 1827	31 years	0 1 7 1/2	0 6 0	0 0 6
183	Jane Eld	Dwelling house and shop	Do.	28 Sept' 1830	31 years	0 0 6	0 3 0	0 0 2
184	Robert Downison	Dwelling houses, shops, work-shops, outhouses, quay, and yard	Do.	30 Feb' 1831	31 years	0 2 6	0 12 0	0 0 31
185	Robert Dennison	Public house warehouse, dwell-ing house, and quay	Do.	28 Dec' 1831	31 years	0 2 0	0 2 6	0 0 12
186	Thomas Milton	Dwelling house, shop, bakehouse, loft, and quay	Do.	28 Sept' 1830	31 years	0 2 0	0 5 0	0 0 7
187	John White	Dwelling house, shop, outhouse, and yard	Wapping Street	28 Sept' 1830	31 years	0 5 0	0 5 0	0 0 5

SCHEDULE—continued.

Lessees Names.		Description of Property.	Name of Street and Place.	Date of Lease.	Commence-ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
188	George Oliver	Dwelling house and shop	{ Wapping Street }	12 Feb' 1825	1 Nov' 1824	21 years	£ s. d. 0 1 6	£ s. d. 0 4 0	A. R. P. 0 0 1
189	Thomas Anderson and Joseph Graham.	Dwelling house	{ Do. }	28 Sept' 1829	9 August 1829	21 years	0 1 6	0 0 6	0 0 1
190	George Coxen	Dwelling house, outhouse, quay, and yard	{ Kirton's Quay }	20 July 1825	12 April 1825	21 years	0 11 5	0 7 0	0 0 10
191	Margaret Brass and William Harle.	Dwelling house, workshops, ware-houses, outhouses, quay, and yard	{ Wapping Street }	10 Feb' 1827	9 August 1826	21 years	0 8 6	0 4 6	0 0 12
192	John Russell Rowntree	Dwelling houses, public houses, warehouses, outhouses, quay, and yard	{ Comical Corner }	28 Sept' 1825	4 July 1825	21 years	0 2 6	- - -	0 0 13
193	Thomas Anderson	Dwelling house, shop, and yard	{ Wapping Street }	20 July 1830	19 May 1830	21 years	0 2 8	0 2 4	0 0 1
194	James Kirkley	Dwelling house, shop, outhouse, and yard	{ Do. }	28 Sept' 1830	19 May 1830	21 years	0 2 8	0 2 4	0 0 2
195	Russell Bowlby	Dwelling house and shop	{ Do. }	20 July 1830	19 May 1830	21 years	0 2 8	0 2 4	0 0 1
196	Christopher Bainbridge	Dwelling houses, shops, outhouses, and yards	{ Do. }	20 July 1831	8 Oct' 1830	21 years	0 6 0	0 6 0	0 0 9
197	Joseph Middleton	Dwelling houses, shop, outhouses, and yard	{ Do. }	9 April 1831	8 Oct' 1830	21 years	0 6 2	0 6 0	0 0 11
198	Richard Burdon Sanderson	Public house, dwelling house, out-house, and yard	{ Do. }	20 Nov' 1827	6 July 1827	21 years	0 3 0	0 12 0	0 0 14
199	Christopher Taylor, James Kirkley, and Benjamin Thompson.	Public house, dwelling house, out-house, and yard	{ Do. }	28 Sept' 1827	20 July 1827	21 years	0 0 10 1/4	0 6 0	0 0 12
200	Alexander Hartleman	Public house, outhouse, and yard	{ Albion Street }	24 Sept' 1830	9 July 1830	21 years	0 1 0	0 1 4	0 0 7
201	Christopher Waud	Public house, outhouses, and yard	{ Wapping Street }	24 Sept' 1830	9 July 1830	21 years	0 0 6	0 1 4	0 0 4

No.	Owner	Property	Do.	28 Sept' 1830	9 July 1830	21 years	0 0 6	0 1 8	0 0 4
202	Joseph Crowlake and Robert Turnbull.	Dwelling house, outhouse, and yard	Do.						
203	John Crawford	Dwelling house, shop, outhouse, and yard	Do.	28 Sept' 1829	11 August 1830	21 years	0 4 6	0 3 6	0 0 6
204	Robert Pace	Dwelling house, outhouse, and yard	Albion Street	30 Nov' 1829	11 August 1829	21 years	0 6 6	0 2 6	0 0 7
205	Ralph Waters	Public house, outhouse, and yard	Wapping Street	28 Sept' 1830	12 August 1830	21 years	0 1 4	0 5 0	0 0 8
206	George Coxon	Public house, dwelling house, shop, outhouse, and yard	Do.	28 Sept. 1831	17 July 1831	21 years	0 3 4	0 7 0	0 0 18
207	Frances Topham	Dwelling house, workshop, outhouse, and yard	Do.	28 Sept. 1827	8 April 1827	21 years	0 1 3	0 10 6	0 0 6
208	John Kimbell, Matthew Robson, and Isaac Thompson.	Dwelling house, outhouses, and yard	Do.	20 July 1834	8 July 1834	21 years	0 1 3	0 4 6	0 0 6
209	Margaret Smith	Public house, outhouse, and yard	Do.	8 April 1826	7 Nov' 1825	21 years	0 2 6	0 10 0	0 0 11
210	John Innerwick	Dwelling house, shop, outhouse, and yard	Do.	20 July 1830	6 May 1830	21 years	0 2 0	0 4 10	0 0 14
211	John Scott	Dwelling houses, shop, outhouse, and yard	Do.	20 July 1829	7 March 1829	21 years	0 3 6	0 12 0	0 0 11
212	Christopher Wood	Public house, bakehouse, outhouses, and yard	Do.	20 July 1831	8 April 1831	21 years	0 6 0	0 1 0	0 0 10
213	William Newbegin	Dwelling houses, shops, outhouses, and yards	Do.	28 Sept. 1837	29 July 1827	21 years	0 4 6	0 3 9	0 0 13
214	William Bone	Dwelling house, shops, outhouses, and yards	Do.	20 July 1824	30 May 1824	21 years	0 4 0	0 3 0	0 0 10
215	William Bone	Dwelling houses, shops, warehouses, tallow houses, outhouses, and yards	Do.	20 July 1824	16 April 1824	21 years	0 4 3	0 8 0	0 0 13
216	Edward Walker	Dwelling houses, shop, outhouse, and yard	Do.	8 April 1826	16 Oct' 1825	21 years	0 4 2	0 5 4	0 0 15
217	Alexander Reed	Dwelling house, shop, and warehouse	Do.	8 April 1826	16 Oct' 1825	21 years	0 2 2	0 2 8	0 0 3
218	William Newbegin	Dwelling house and shop	Do.	28 Sept' 1829	16 July 1829	21 years	0 2 1	0 2 0	0 0 3
219	William Dakers and Mary his wife.	Dwelling house and shop	Do.	28 Sept' 1831	8 July 1831	21 years	0 0 10	0 3 6	0 0 1 1/2
220	Martha Henderson and Mary Newbegin.	Public house, dwelling house, outhouse, quay, and yard	Do. and Cornical Corner	28 Sept' 1831	8 July 1831	21 years	0 1 8	0 7 0	0 0 7

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SCHEDULE—continued.

	Lessor's Name.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence- ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
221	William Stobart	Paint manufactory and quay	Wapping Street	20 July 1829	21 June 1829	21 years	£ 1 4. 0 1 6	£ 2 4. 0 5 0	A. R. P. 0 0 5
222	James Robson	Dwelling house	Do.	28 Sept' 1829	1 June 1829	21 years	0 1 0	0 2 0	0 0 2
223	Richard Remondson	Steam flour mill and quay	Do.	29 Sept' 1830	8 May 1830	21 years	0 1 6	0 2 7	0 0 6
224	Richard Remondson	Dwelling house, shop, and house	Do.	28 Sept' 1830	8 August 1830	21 years	0 1 6	0 3 7	0 0 4
225	Thomas Coulthard	Public house	Do.	28 Sept. 1819	14 July 1818	21 years	0 2 0	0 3 0	0 0 1
226	William Charles Chaytor and John Leybourne.	Dwelling house	Stagget's Lane	20 Feb' 1822	20 Feb' 1822	21 years	0 2 6	0 3 0	0 0 2
227	James Brown	Dwelling houses, outhouses, and quay	Do.	28 Sept' 1830	28 Sept' 1830	21 years	0 7 0	0 16 0	8 0 13
228	Christopher Wood	Public house, dwelling house, out- house, and quay	Wapping Street	20 July 1830	9 April 1830	21 years	0 2 4	0 10 0	0 0 9
229	John Dixon	Dwelling house and shop	Do.	20 July 1830	12 April 1830	21 years	0 3 4	0 2 0	0 0 3
230	William Hardcastle	Dwelling house, workshops, out- houses, quay, and yard	Do.	20 July 1830	27 Dec' 1829	21 years	0 10 0	0 6 0	0 0 6
231	Mary Reed	Public house	Do.	21 July 1828	21 Jan' 1826	21 years	0 2 0	0 2 6	0 0 2
232	George Taylor and Robert Patten.	Dwelling house, workshops, out- house, quay, and yard	Do.	28 Sept' 1826	21 July 1826	21 years	0 2 0	0 3 0	0 0 8
233	George Edward Sawyer	Foundry, engine house, and quay	Do.	20 Feb' 1832	28 Sept' 1831	21 years	0 3 6	0 9 0	0 0 3
234	Christopher Wood	Public house, outhouse, and yard	Do.	28 Sept' 1831	25 Sept' 1831	21 years	0 2 0	0 8 0	0 0 6
235	Robert Torrence	Dwelling house and workshop	Do.	20 July 1818	25 Sept' 1817	21 years	0 0 6	0 1 0	0 0 2
236	William Robson	Dwelling houses, shop, outhouses, and yard	Do.	10 Feb' 1827	28 Sept' 1826	21 years	0 7 0	0 2 0	0 0 6
237	Nicholas Gilmore and children	Dwelling houses, householder's yard and shop, outhouses, and yard	Do.	10 Feb' 1827	20 Sept' 1826	21 years	0 12 0	0 9 0	0 0 90

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238	Thomas Clark	Dwelling house, shops, outhouse, and yard	Do.	20 Nov' 1826	20 Sept' 1826	21 years	0 6 0	0 4 0	0 0 7
239	Ann Burnop	Dwelling house and shop	Do.	20 July 1829	28 March 1829	21 years	0 6 6	- - -	0 0 2
240	Jane Bewick	Dwelling house	Union Lane	20 July 1829	28 March 1828	21 years	0 2 6	- - -	0 0 2
241	Sarah Cleugh	Dwelling house	Do.	21 July 1828	23 June 1828	21 years	0 1 4	0 4 0	0 0 4
242	James Kirkley	Dwelling house, outhouse, and ground	Do.	20 July 1829	18 Feb' 1829	21 years	0 1 0	0 2 0	0 0 4
243	William Thompson	Dwelling house	Stob Lane	20 Jan. 1824	19 June 1823	21 years	0 2 0	0 3 0	0 0 5
244	John Robinson	Dwelling house, outhouse, and yard	Do.	28 Sept' 1830	19 June 1830	21 years	0 1 2	0 3 0	0 0 6
245	John Robinson	Dwelling house and shop	Do.	28 Sept' 1830	27 Sept' 1830	21 years	1 0 0	0 4 0	0 0 4
246	Isabella Wrightson	Dwelling house	{ Wapping Street }	20 July 1831	8 Nov' 1830	21 years	0 2 6	0 8 0	0 0 3
247	James Kirkley	Public house, dwelling house, sail and rope mfts, warehouses, quay, outhouses, and yard	Do.	20 July 1830	19 June 1830	21 years	0 9 6	0 14 0	0 0 20
248	Isabella Paine	Dwelling house, foundry, ware-houses, quay, outhouse, and yard	Do.	10 Feb' 1827	8 Oct' 1826	21 years	0 3 0	0 7 0	0 0 9
249	John Gregson	Dwelling house, shop, outhouse, and yard	Do.	10 Feb. 1827	8 Oct' 1826	21 years	0 2 0	0 5 0	0 0 3
250	Martha Trotter	Dwelling house and shop	Do.	20 July 1827	12 Feb' 1827	21 years	0 3 0	0 7 0	0 0 5
251	John Chambers	Dwelling houses, outhouses, and yard	Do.	28 Sept' 1829	26 Sept' 1829	21 years	0 5 0	1 6 0	0 0 22
252	John Renner	Public house, dwelling house, stable, outhouse, and yard	Do.	27 Sept' 1828	15 August 1828	21 years	0 4 2	0 1 10	0 0 8
253	William Stobart	Dwelling house, outhouse, and yard, one half of salmon fishery in the river Tyne at South Shields	Long Bank and Masons Lane.	28 Sept' 1820	16 Feb' 1828	21 years	1 4 2	0 14 6	0 0 8

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SCHEDULE—continued.

	Lessees Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence-ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
254	Ralph Naters	Public house and outhouse	{ Wapping Street }	28 Sept' 1830	15 August 1830	21 years	£ s. d. 0 5 0	£ s. d. 0 2 0	A. R. P. 0 0 3
255	Ralph Naters	Public house, dwelling house, out-house, and quay, one quarter of salmon fishery in the river Tyne at South Shields	{ Old Ferry Boat Land-ings }	20 July 1831	5 Sept' 1830	21 years	0 15 7	1 3 0	0 0 12
256	Ralph Naters	One quarter of the salmon fishery in the river Tyne at South Shields	{ . . . }	21 July 1828	27 Sept' 1827	21 years	0 3 6	0 6 6	—
257	William Wallis	Dwelling houses, outhouses, and yard	{ Shadwell Street, Long Bank, and Wellington Street }	28 Sept' 1830	26 Sept' 1830	21 years	0 2 4	0 8 0	0 0 12
258	Christopher Wood	Public house, dwelling house, ware-houses, workshops, outhouse, quay, and yard	{ Shadwell Street }	28 Sept' 1830	26 Sept' 1830	21 years	0 7 4	0 12 0	0 0 17
259	Edward Robson	Dwelling houses, outhouses, quay, and yard	{ Do. }	20 July 1831	17 Dec' 1830	21 years	0 10 0	0 12 0	0 0 15
260	George Coxon	Dwelling houses, outhouses, quay, and yard	{ Do. }	20 July 1826	5 March 1826	21 years	0 7 0	0 12 0	0 0 14
261	Robert Balleny	Dwelling houses, shop, outhouse, quay, and yard	{ Do. }	20 July 1827	27 August 1826	21 years	0 8 0	0 12 6	0 0 9
262	Margaret and Susanna Cunningham.	Dwelling houses, shop, outhouse, and yard	{ Do. }	19 Nov' 1826	26 Sept' 1826	21 years	0 5 0	0 4 0	0 0 7
263	Blannan Clark, John Clark, and John Cunningham.	Dwelling houses, shop, outhouses, and yard	{ Do. }	26 Sept' 1826	10 April 1826	21 years	0 1 0	0 6 6	0 0 6

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264	Robert Green	Public house, outhouse, and yard	{ Old Ferry } { Hoator Long } { Bank }	20 July 1815	9 April 1815	21 years	0	1	0	0	3	9	0	0	20
265	William Ballaney and Charles Toshach.	Public house, dwelling house, outhouse, and yard	{ Shadwell } { Street }	20 Nov' 1812	27 Sept' 1812	21 years	0	5	4	-	-	-	0	0	10
266	Christopher Wood	Public house, outhouse, and yard	{ Do. }	20 July 1831	12 May 1831	21 years	0	3	6	0	6	0	0	0	9
267	Robert Pace	Boatbuilder's shop, quay, and yard	{ Do. }	21 Nov' 1831	12 May 1831	21 years	0	3	6	0	5	0	0	0	7
268	Ralph Naters	Public house, dwelling house, outhouse, quay, and yard	{ Do. }	20 July 1831	20 Nov' 1830	21 years	0	6	0	0	10	0	0	0	9
269	Ralph Naters	Dwelling house	{ Do. }	21 July 1828	6 Jan. 1828	21 years	0	3	0	0	10	0	0	0	2
270	Christopher Wood	Public house, dwelling house, outhouse, quay, and yard	{ Do. }	27 Sept' 1828	20 July 1828	21 years	0	4	0	0	6	0	0	0	6
271	William Weatherill	Dwelling house, shop, outhouse, quay, and yard	{ Do. }	28 Sept' 1831	20 July 1831	21 years	0	4	0	0	4	0	0	0	4
272	Thomas Forrest	Public house	{ Do. }	28 Sept' 1831	17 August 1831	21 years	0	1	0	0	3	0	0	0	2
273	Christopher Bainbridge	Dwelling house	{ Do. }	20 July 1827	12 April 1827	21 years	0	1	0	0	1	6	0	0	3
274	James Eddowes	Dwelling house and shop	{ Do. }	28 Sept. 1830	29 March 1830	21 years	0	1	6	0	3	4	0	0	3
275	Thomas Forrest	Public house	{ Do. }	28 Sept. 1831	2 July 1831	21 years	0	1	2	0	4	0	0	0	4
276	Christopher Wood	Public houses, outhouses, quay, and yard	{ Do. }	20 Feb' 1832	20 Nov' 1831	21 years	0	3	0	0	7	4	0	0	9
277	Christopher Wawn, Thomas Vint, George Stokoe, and William Little.	Methodist chapel	{ Do. }	20 Feb. 1832	20 Nov' 1831	21 years	0	2	0	0	4	0	0	0	6
278	Thomas Forrest	Dwelling house, shop, outhouse, and yard	{ Do. }	20 July 1831	30 May 1831	21 years	0	4	0	0	10	0	0	0	10
279	Robert Anderson	Dwelling house, outhouse, and yard	{ Military Road }	20 July 1831	30 Nov' 1830	21 years	0	6	0	0	10	0	0	0	14
280	George Taylor	Dwelling house, outhouse, and yard	{ Shadwell } { Street }	20 Jan' 1834	30 Nov' 1823	21 years	0	4	0	0	3	0	0	0	3
281	Mary Middleyard	Dwelling house, outhouse, and yard	{ Do. }	20 July 1827	9 April 1827	21 years	0	2	0	0	4	0	0	0	4
282	John Walker	Dwelling house and outhouse	{ Do. }	20 July 1829	1 March 1829	21 years	0	1	0	0	2	6	0	0	4

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SCHEDULE—continued.

Leases Names	Description of Property	Name of Street and Place	Date of Lease.	Commence- ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
283 Richard Hall and Benjamin Carlin.	Dwelling houses	Shadwell Street	26 Sept' 1822	1 March 1822	21 years	£ s. d. 0 1 0	£ s. d. 0 3 6	A. R. P. 0 0 4
284 Francis Jefferson	Dwelling house, outhouse, and yard	Military Road	20 July 1827	1 June 1827	21 years	0 3 0	0 3 0	0 0 6
285 Jane Fawcett	Dwelling houses and yard	Do.	20 July 1820	1 June 1820	21 years	0 1 0	0 3 0	0 0 2
286 John Shephard	Dwelling house, outhouse, and yard	Do.	20 Nov' 1827	12 Oct' 1827	21 years	0 2 2	0 16 0	0 0 6
287 Thomas Heslop	Dwelling house, outhouse, and yard	Do.	20 July 1827	12 April 1827	21 years	0 1 0	0 1 6	0 0 4
288 Christopher Wood	Dwelling house, shop, outhouse, and yard	Shadwell Street	20 July 1828	12 April 1828	21 years	0 1 0	0 4 0	0 0 2
289 Robert Watson Darnell, Robert Holt, John Givena, and William Stobart.	Public house, outhouse, and yard	Do.	21 July 1828	12 April 1828	21 years	0 1 0	0 3 0	0 0 2
290 Ann Swanson	Dwelling house, shop, outhouse, and yard	Shadwell Street	20 Feb' 1822	1 Sept' 1821	21 years	0 0 6	0 2 6	0 0 3
291 James Johnson	Dwelling house, outhouse, and yard	Military Road	21 Nov' 1821	1 st Sept' 1821	21 years	0 0 0	0 2 9	0 0 4
292 John Otter	Dwelling house, outhouse, and yard	Do.	28 Sept' 1821	1 Sept' 1821	21 years	0 0 6	0 2 6	0 0 2
293 Jane Young	Dwelling house, outhouse, and yard	Shadwell Street	20 Nov' 1827	20 Sept. 1827	21 years	0 1 10	0 4 0	0 0 6
294 Richard Fawcett	Dwelling house, outhouse, and yard	Military Road	20 July 1820	20 Sept' 1820	21 years	0 0 4	0 0 6	0 0 1
295 Richard Fawcett	Dwelling house, outhouse, and yard	Military Road	20 Feb' 1822	12 April 1822	21 years	0 1 0	0 2 6	0 0 2

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297	John Gregson	Dwelling house	Do.	20 Feb. 1832	20 Nov' 1831	21 years	0 1 4	0	0 0 3
297	William Newbegin	Dwelling house	Do.	20 Feb. 1832	20 Nov' 1831	21 years	0 1 0	0	0 0 3
298	Robert Wright, Joseph Smith, and George Smith.	Dwelling house	Shadwell Street	20 Feb' 1832	20 Nov' 1831	21 years	0 0 8	0 1 8	0 0 4
299	William Burn, Andrew Harrison, and George Smith.	Dwelling house, outhouse, and yard	Do.	28 Sept. 1831	4 Sept' 1831	21 years	0 1 0	0 2 4	0 0 6
300	William Sherville	Dwelling houses, outhouses, and yards	Shadwell Street and Military Road	20 Feb. 1832	1 st Jan. 1832	21 years	0 1 6	0 1 6	0 0 9
301	Edward Walker	Public house	Shadwell Street	20 July 1831	3 Dec' 1830	21 years	0 1 6	-	0 0 3
302	James Kirkley	Public house, outhouse, and yard	Do.	21 July 1828	23 June 1828	21 years	0 3 0	0 5 0	0 0 10
303	Isabella Purvis	Public house, outhouse, and yard	Do.	28 Sept. 1830	28 May 1830	21 years	0 3 0	0 6 0	0 0 7
304	Matthew John Lawson, James Lawson, Martin Shepherd Lawson, and Peter Johnson Lawson.	Dwelling houses, outhouses, and yard	Do.	20 July 1831	10 June 1831	21 years	0 1 4	0 6 2	0 0 10
305	Christopher Taylor and Benjamin Thompson.	Public house, dwelling house, outhouse, and yard	Do.	21 July 1828	10 Nov' 1827	21 years	0 1 8	0 8 0	0 0 7
306	John Edgar and Jane his Wife.	Dwelling house, outhouse, and yard	Do.	25 Jan. 1830	9 Nov' 1829	21 years	0 0 2	0 3 0	0 0 9
307	William Wright	Dwelling house	Do.	28 Sept' 1830	12 Aug' 1830	21 years	0 2 6	0 2 0	0 0 5
308	William White	Quay and ground	Do.	28 Sept' 1827	25 Sept' 1827	21 years	0 3 0	0 1 6	0 0 12
309	Christopher Wood	Public house	Do.	28 Sept' 1830	3 July 1830	24 years	0 1 6	0 1 9	0 0 3
310	Robert Pearson	Dwelling house	Do.	28 Sep' 1830	3 July 1830	21 years	0 0 3	0 0 7	0 0 2
311	Richard Young	Dwelling house and outhouse.	Do.	28 Sep' 1814	10 June 1814	21 years	0 0 3	0 4 0	0 0 1

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University.

SCHEDULE—continued.

	Lessees Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence- ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
312	John Gray	Dwelling house	{ Shadwell Street }	28 Sep' 1830	3 July 1830	21 years	£ s. d. 0 0 5	£ s. d. 0 1 0	4 a. r. p. 0 0 2
313	John Turnbull	Dwelling houses, outhouses, and yard	{ Do. }	21 July 1838	9 June 1838	21 years	0 0 3	0 12 0	0 0 10
314	Master Pilots and Seamen of the Trinity House of Newcastle upon Tyne.	Dwelling house and outhouse	{ Do. }	26 Sep. 1829	9 Aug' 1830	21 years	0 0 5	0 2 0	0 0 4
315	Ralph Naters	Public house	{ Do. }	8 April 1826	15 Aug' 1833	21 years	0 1 0	- - -	0 0 3
316	Henry Scott	Dwelling house, outhouse, and ground	{ Do. }	28 Jan' 1830	9 Nov' 1829	21 years	0 0 3	0 3 0	0 0 5
317	John Barnes	Public house dwelling house, outhouse, and yard	{ Do. }	30 July 1827	28 March 1827	21 years	0 2 6	0 4 0	0 0 21
318	John Harker, Thomas Young, William Costes, Elias Stephenson, and Mary Stephenson.	Dwelling houses, outhouses, yards, and vacant ground	{ Do. }	20 July 1837	28 March 1827	21 years	0 1 0	- - -	0 0 15
319	William Chapman, James Laigne, William Wal- lis, Robert Anderson, and John Twizell Warr.	Gas works	{ St. Hilddas Lane }	28 Sep' 1830	12 June 1830	21 years	0 3 0	- - -	0 0 34
320	Thomas Hopper, Rich- ard Smith, and Thomas Clark.	Graving dock, dwelling house, and quay	{ West Hol- born Street }	28 Sep' 1837	15 Feb' 1837	21 years	2 0 0	2 15 0	0 2 25
321	Thomas Hopper, Rich- ard Smith, and Thomas Clark.	Graving dock, dwelling house, and quay	{ Do. }	28 Sep' 1837	15 Feb' 1837	21 years	2 4 0	2 14 0	0 1 17
322	Thomas Hopper, Rich- ard Smith, and Thomas Clark.	Quay, ship-building yard, work- shops, and dwelling house	{ Do. }	28 Sep' 1837	10 Feb' 1837	21 years	1 17 0	2 4 0	0 1 10

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323	Barbara Stobart, William Bell, Thomas Crawford, and Phillip Laing.	Graving dock, ship-building yard, dwelling houses, shops, outhouses, warehouses, and yard	Thrift Street	20 July 1831	20 Oct' 1830	21 years	5 3 6	1 9 2	0 3 0
324	Robert Bruce	Dwelling house, stable, outhouses, and yards	Commercial Road	21 July 1828	5 May 1828	21 years	0 2 6	0 3 0	0 0 7
Township of Westoe otherwise Wicestoe.									
325	Ann. Brouess and Jane Dockway.	Dwelling house, outhouses, and yards	Do.	20 July 1827	1 June 1827	21 years	0 5 0	0 2 0	0 0 6
326	Andrew Black	Dwelling houses, outhouses, and yard	Do.	20 Jan' 1829	3 Oct' 1828	21 years	0 5 2	0 4 0	0 0 10
327	George Wright	Dwelling houses, outhouse, and yard	Do.	20 July 1826	24 April 1826	21 years	0 2 0	0 4 0	0 0 9
328	Mary Brown	Dwelling house, outhouse, and yard	Do.	21 July 1828	8 March 1828	21 years	0 3 8	0 2 0	0 0 6
329	Robert Downey and William Fenwick.	Dwelling house, outhouse, and yard	Do.	21 July 1828	8 March 1828	21 years	0 3 9	0 4 0	0 0 8
330	Robert Downey and William Fenwick.	Dwelling house, outhouse, and yard	Do.	21 July 1828	8 March 1828	21 years	0 3 9	0 4 0	0 0 7
331	Sarah Waller	Dwelling house, outhouse, and yard	Do.	27 Sept' 1828,	25 Sept' 1828	21 years	0 2 7	0 2 0	0 0 6
332	Christopher Wood	Public house, dwelling house, outhouse, and yard	Do.	27 Sept' 1828	25 Sept' 1828	21 years	0 1 7	0 2 6	0 0 5
333	Ralph Orren	Dwelling house, outhouse, and yard	Do.	27 Sept' 1828	25 Sept' 1828	21 years	0 1 0	0 1 6	0 0 4
334	Christopher Wood	Dwelling house, outhouse, and yard	Do.	20 Feb' 1832	7 Dec' 1831	21 years	0 5 0	0 4 0	0 0 6½
335	John Mayors	Dwelling house, outhouse, and yard	Do.	28 Sept. 1829	21 August 1829	21 years	0 2 3	- - -	0 0 8
336	Thomas Bell and Francis Seymour.	Dwelling house, outhouse, and yard	Do.	8 April 1826	22 August 1825	21 years	0 2 10	- - -	0 0 9
337	John Chambers	Dwelling house, outhouse, and yard	Do.	28 Sept' 1831	22 August 1831	21 years	0 2 0	- - -	0 0 7
338	Cuthbert Young	Dwelling house, outhouse, and yard	Do.	28 Sept' 1831	22 August 1831	21 years	0 3 0	- - -	0 0 10

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SCHEDULE—continued.

	Leaseholder.	Description of Property.	Name of Street and Place.	Date of Lease.	Commencement of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
339	Catherine Collingwood	Dwelling house, outhouse, and yard	Commercial Road	30 Nov' 1827	9 August 1827	21 years	£ s. d. 0 5 0	£ s. d. 0 4 0	A. B. P. 0 0 11
340	James Gilchrist	Dwelling house, outhouse, and yard	Archer's Hill	28 Sept' 1811	14 July 1811	21 years	0 2 0	0 3 0	0 0 9
341	James Gilchrist	Dwelling house, outhouse, and yard	Do.	28 Sept' 1811	3 July 1811	21 years	0 2 7½	0 1 0	0 0 7½
342	Mary Robertson	Dwelling house, outhouses, and yard	West Pan Street	12 Feb' 1826	20 Nov. 1824	21 years	0 7 6	-	0 0 32
343	Margaret Hilton and Robert Crozier.	Dwelling house, outhouses, and yard	Do.	28 Sept' 1830	27 Sept' 1830	21 years	0 7 6	0 8 0	0 0 16
344	Jane Craig	Dwelling house, outhouse, and yard	Archer's Hill	30 July 1824	11 July 1824	21 years	0 2 4	-	0 0 5
345	Jane Hopps and Andrew Hesson.	Dwelling house, yard, and vacant ground	Do.	21 July 1826	4 Oct' 1827	21 years	0 2 4	-	0 0 8
346	Mary Dawson	Dwelling house, outhouses, and yard	Do and Windmill Hill	8 April 1826	16 Dec' 1826	21 years	0 5 0	-	0 0 10
347	William Forrest	Dwelling house, outhouse, and yard	Archer's Hill	8 April 1826	16 Dec' 1826	21 years	0 2 0	-	0 0 4
348	Robert Crozier	Dwelling house, outhouses, and yard	Do.	8 April 1826	16 Dec' 1826	21 years	0 8 0	-	0 0 9
349	Ann Siddall	Dwelling house, outhouse, and yard	Windmill Hill	30 July 1827	16 March 1827	21 years	0 2 0	-	0 0 4
350	Ann Sharp	Dwelling house, outhouses, and yard	Do.	30 Nov' 1816	23 August 1816	21 years	0 2 4	0 3 0	0 0 7½
351	George Couper, Robert Couper, and Mary Couper.	Dwelling house, outhouse, and yard	Do.	28 Sept' 1830	26 June 1830	21 years	0 2 8	0 4 0	0 0 6
352	Jane Hall	Dwelling house, outhouse, and yard	Do.	28 Sept' 1830	20 August 1830	21 years	0 2 4	-	0 0 7½
353	William Sherill	Dwelling house, outhouse, workshop, and yard	Do.	28 Sept' 1830	24 July 1830	21 years	0 10 8	0 9 0	0 0 37
354	Richard Shortridge	Dwelling houses, outhouses, yards, and vacant ground	Do.	20 July 1822	13 May 1820	21 years	0 5 2	0 4 0	0 0 14

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*Durham
University.*

SCHEDULE—continued.

	Leasees Names.	Description of Property.	Name of Street and Place.	Date of Lease.	Commence- ment of Lease.	Term held.	Reserved Rents.	Land Tax.	Quantity.
372	George Coxen	Dwelling house and outhouse	{ Johnson's } Hill	21 July 1828	15 Jan' 1828	21 years	£ s. d. 0 5 0	£ s. d. 0 7 0	A. R. P. 0 0 4
373	John Hutchinson	Dwelling house, outhouse, and yard	{ Bottle Hill	27 Sept' 1817.	18 Aug' 1817	21 years	0 6 6	0 6 0	0 0 10
374	William Charles Chaytor and John Leybourne.	Dwelling house, outhouse, and yard	{ Academy } Hill	20 Feb' 1832	20 Feb' 1832	21 years	0 5 0	- - -	0 0 12
375	Sarah Weatherburn	Dwelling house, outhouse, and yard	{ Do.	27 Sept' 1828	14 June 1828	21 years	0 2 8	- - -	0 0 5
376	Robert Rutherford, Wil- liam Cowey, and Henry Thompson.	Dwelling house, and outhouse	{ Do.	20 Nov' 1826	15 Oct' 1826	21 years	0 2 0	- - -	0 0 4
377	Elizabeth Kitteridge	Dwelling house, outhouse, and yard	{ Do.	28 Sept' 1829	20 July 1829	21 years	0 3 10	0 2 0	0 0 7
378	William Evance	Dwelling house, outhouse, and yard	{ Do.	20 Nov' 1817	24 Aug' 1817	21 years	0 3 9	0 3 0	0 0 8
379	William Forrest	Dwelling house, outhouse, and yard	{ Do.	21 July 1832	1 March 1828	21 years	0 2 0	- - -	0 0 4
380	William Forrest	Dwelling houses, outhouses, and yards	{ Chapel Hill } and Academy my Street	28 Sept' 1830	30 June 1830	21 years	0 5 0	- - -	0 0 10
381	William Evance	Dwelling house, outhouse, and yard	{ Academy } Street	20 Nov' 1817	24 Aug' 1817	21 years	0 2 8	0 4 0	0 0 4½
382	John Carr	Dwelling house, outhouse, and yard	{ Do.	23 Jan' 1820	14 Nov' 1820	21 years	0 1 8	0 0 6	0 0 2

Durham
University.

383	Thomas Towell	Dwelling house, outhouse, and yard	} Do.	20 July 1830	14 May 1830	21 years	0 2 0	0 1 0	0 0 4
384	John Staples	Dwelling house, outhouse, and yard	} Do.	25 Jan. 1830	14 Nov ^r 1829	21 years	0 1 4	0 1 6	0 0 2
385	Festonby Burrell	Chapel, outhouse, and yard	Do.	25 Jan. 1830	25 Sept ^r 1829	21 years	0 5 6	0 4 0	0 0 7
386	Alexander Loudon	Dwelling houses, outhouses, and yard	} Do.	20 July 1826	28 March 1826	21 years	0 4 6	- - -	0 0 13
387	Sarah Snowden	Dwelling house and outhouse	{ Carpenter Place }	20 July 1818	9 June 1818	21 years	0 2 6	0 1 0	0 0 3
388	Sarah Atkinson	Dwelling house and outhouse	{ Carpenter Place }	20 Nov ^r 1811	9 June 1811	21 years	0 2 6	0 1 0	0 0 5
389	Thomas Yellowley, Robert Rutherford, and John Hunter.	Dwelling house, outhouse, and yard	{ Henderson's Lane }	20 Nov ^r 1830	4 July 1830	21 years	0 5 0	0 3 0	0 0 4
390	Barbara Stobart, William Bell, and Thomas Crawford.	Dwelling house, outhouse, and yard	} Cone Street	20 Feb ^y 1832	22 May 1830	21 years	0 1 10	0 2 0	0 0 8½
391	George Townshend Fox and Thomas Gibson.	Ropery, ropewalk, dwelling house, outhouse, and ground	{ Near Temple Town and Jarrow } [Slake]	20 July 1831	20 April 1831	21 years	0 3 6	0 11 2½	5 2 20
392	Isaac Cookson the younger	Alkali works, offices, outhouses, dwelling houses, workshops, and ground	} Do.	20 July 1831	20 April 1831	21 years	0 4 6	- - -	8 0 4
Town and Parish of Sunderland near the Sea.									
393	Addison Fenwick and Robert Fenwick.	Public houses, dwelling houses, shops, outhouses, yards, and quay	} High and } Low Streets }	20 Feb ^y 1832	9 Oct. 1831	40 years	0 1 0	1 7 0	0 2 23
394	William Dunn and Jane his Wife.	Dwelling house, outhouse, and yard	} High Street }	12 Feb ^y 1825	21 Sept ^r 1824	40 years	0 0 6	0 6 6	0 0 4

And^o Stoddart.

ANNO SEPTIMO

ANNÆ REGINÆ.

Cap. 38.

An Act for annexing the Rectory or Parsonage of Haseley in the County of Oxon to the Deanery of the King's Free Chapel of Saint George within His Castle of Windsor, and for vesting the Advowson of the Rectory and Parochial Church of Saint Mary alias North Church, Barkhamstead, in the County of Hertford, in the Dean and Canons of the King's Free Chapel of Saint George within His Castle of Windsor, in lieu thereof.

WHEREAS the perpetual advowson of the rectory of Haseley in the county of Oxford is legally vested in the dean and canons of the King's free chapel of Saint George within His castle of Windsor: And whereas the dean and canons of the said free chapel, for the better augmentation of the deanery, have, by their common consent in their chapter, testified under their common seal by instrument bearing date the twelfth day of March one thousand seven hundred and eight, agreed that the said rectory shall and may be perpetually united to the said deanery, to be held and enjoyed therewith by the dean of the said free chapel for the time being for ever hereafter for his better support, and have most humbly beseeched Her sacred Majesty that She would be graciously pleased to condescend thereunto; and Her Majesty out of Her princely goodness has been pleased to consent accordingly: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the

Rectory of
Haseley
annexed to
St. George's
chapel.

Bishop of
Oxford to
institute
present and
future
deans.

Dean to
appoint
curate, and
allow him
stipend of
60*l*.

the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, that the advowson, rectory, and parsonage of Haseley aforesaid, and all rights, emoluments, and advantages thereunto belonging, is and shall be for ever hereafter annexed to the deanery of the said free chapel of Saint George.

II. And whereas Her Majesty has been graciously pleased to nominate the Reverend Doctor Thomas Manningham to be the dean of the said chapel, and the said rectory and parsonage is at present vacant; be it enacted by the authority aforesaid, that the said present dean, and all other persons whom Her Majesty, Her heirs and successors, shall hereafter nominate to be dean and deans of the said chapel, is and shall be empowered to apply to the bishop of the diocese of Oxford for the time being for institution to the said rectory and parsonage, who shall by virtue of this act (without any presentation thereunto) be obliged to institute the present dean and such person and persons to be nominated to be dean and deans unto the said rectory and parsonage in such manner as is usual to other rectories and parsonages; and that such dean and deans so instituted shall hold and enjoy the said rectory and parsonage of Haseley, and all rights, profits, and advantages thereunto belonging, in such manner as the rectors or parsons of Haseley have heretofore held and enjoyed or ought to have held or enjoyed the same.

III. Provided always, and be it enacted by the authority aforesaid, that the said present dean, and all other future deans of the said chapel of Saint George within the said castle of Windsor who by virtue hereof shall be instituted to the said rectory and parsonage of Haseley, in regard that his and their necessary residence at or upon the said deanery, and his and their attendance upon Her Majesty in the honourable office of register of the most noble Order of the Garter, will oblige him and them to be often absent from the said parish of Haseley, and the performance of his and their duty in the same, the said present dean and all other future deans of the said chapel shall be obliged from time to time to appoint one

curate in holy orders (such as shall be approved of and licensed by the bishop of Oxford for the time being), who shall be constantly resident at and in the said parish, and be ready on all occasions (in the absence of the said dean) to perform divine service, and to discharge all other offices and duties expedient and necessary, within the said parish of Haseley, which ought to be done and performed according to the ecclesiastical laws by the rector or minister of the said parish, and to allow out of the profits of the said rectory to such curate the yearly stipend or sum of sixty pounds, clear of all manner of payments and deductions whatsoever, payable quarterly, by equal proportions at the feasts of Saint John the Baptist, Saint Michael the Archangel, the Nativity of our Lord Christ, and the Annunciation of the Blessed Virgin Mary, or within ten days after any of the said feast days, the first payment thereof to commence and become due from the feast of Saint John Baptist next, and to be paid at the feast of Saint Michael the Archangel next, or within ten days after; which said quarterly sums, in case the same shall be behind and in arrear for above ten days as aforesaid, such curate to whom such stipend or sum shall accrue or become due, his executors and administrators, shall recover the same, and all arrearages thereof, against the said dean for the time being from whom the same became due, his executors or administrators, in the same manner as any person by the laws of this realm may recover any annuity or rent-charge granted by any person or persons out of his or their estate or estates, or by action of debt or other action to be brought for the same from time to time, together with full costs of suit, in which action or actions no privilege, protection, or wager of law shall be allowed.

IV. And be it further enacted, that it shall and may be lawful for the said present dean and all future deans of the said free chapel of Saint George for the time being to accept, take, hold, retain, and enjoy the said rectory and parsonage of Haseley, with any other benefice or living with cure of souls, without any dispensation for the same,

*Haseley
Rectory.*
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Dean may
hold other
benefice
without dis-
pensation.

same, any statute, law, canon, or custom to the contrary notwithstanding.

Advowson
of the rec-
tory of
St. Mary
Barkham-
stead vested
in the dean
and canons
of Saint
George's
chapel.

V. And whereas by reason of the aforesaid union of the said rectory of Haseley to the said deanery the same will be for ever hereafter in Her Majesty, Her heirs and successors, by virtue of Her and Their nomination to the said deanery; in consideration thereof Her Majesty is pleased, out of Her gracious favour to the said free chapel of Saint George, to grant to the dean and canons of the said free chapel the perpetual advowson of the rectory and parochial church of Saint Mary alias North Church, Barkhamstead, in the county of Hertford, of which Samuel Noyes, clerk, is the present incumbent; it is therefore further enacted by the authority aforesaid, that the dean and canons of the King's said free chapel of Saint George within his said castle of Windsor shall be for ever hereafter intituled to the said advowson of the said rectory and parochial church of Saint Mary alias North Church, Barkhamstead, and when the said church shall become vacant shall have for ever the presentation, nomination, and donation of and to the same rectory; and that the person to be nominated and presented by the said dean and canons shall be instituted and inducted to the said rectory, and shall hold and enjoy the same, with all rights, members, and appurtenances thereunto belonging, in such manner as any former rectors of the said rectory and parochial church of Saint Mary alias North Church, Barkhamstead, hath or ought to have held and enjoyed the same: Provided nevertheless, that the present or any future dean of the said chapel, in regard of the annexing of the said rectory of Haseley to the said deanery, shall not be capable of being presented, instituted, and inducted, but shall be excluded from being presented, instituted, and inducted, unto the said rectory and parochial church of Saint Mary alias North Church, Barkhamstead, and from having or holding the same.

General
saving.

VI. Saving nevertheless to all bodies politic and corporate, and their successors, and to all and every other person and persons, their heirs, executors, and administrators,
(other

(other than Her Majesty, Her heirs and successors, as to the said rectory and parochial church of Saint Mary alias North Church, Barkhamstead, and other than the dean and canons of the said free chapel of Saint George within the castle of Windsor, and their successors, as to the said rectory of Haseley,) all such right, title, interest, claim, and demand whatsoever as they or any of them had or may, might, or ought to have in case this act had not been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

*Haseley
Rectory.*

ANNO QUARTO & QUINTO

A N N Æ R E G I N Æ.

Cap. 32.

An Act for augmenting the Number of Canons Residentiary in the Cathedral Church of Litchfield, and for improving the Deanery and Prebends of the said Cathedral.

WHEREAS many of the prebends in the cathedral church of Litchfield are fallen so low in their value as to be rather burdensome than beneficial to the persons on whom they are conferred: And whereas there are eight prebendal houses (besides the dean's) in the close of the said cathedral ready for the reception of so many canons residentiary, but the present income belonging to the community of the dean and chapter of the said church yields but a moderate support to half that number, which great defect some late bishops, with the consent of the dean and chapter there, have by local statutes endeavoured to remedy, but without that good effect which was hoped for from the same; to the end, therefore, that learned men who are or shall be dignified in the said church may be the better encouraged, and also enabled to answer all the good ends and purposes of such ancient and religious foundations, and to the end that there may be in time to come eight canons residentiary, according

*Litchfield
Cathedral.*

Bishop of
Litchfield
and Co-
ventry em-
powered to
confer
more than
one pre-
bend on
the same
person.

Proviso.

to the number of prebendal houses erected in the close of the said cathedral church, may it please Your most Excellent Majesty (at the humble petition of the bishop of Litchfield and Coventry and the dean and chapter of the said cathedral church of Litchfield) that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from time to time and at all times hereafter it shall and may be lawful for the bishop of Litchfield and Coventry for the time being to confer two or three prebends in the said church on one and the same person; and that such person as either now is or hereafter shall be possessed of one prebend in the said church shall be capable of holding a second or a third prebend therewith, as effectually to all intents and purposes as he might do were the said prebends in different cathedral churches or foundations: Provided always, that the reserved rents of such prebends so united and consolidated, and to be held compatible, do not together in the whole amount to more than sixty pounds per annum, and that the person collated to such second or third prebend shall be obliged to perform such residence as the local statutes of the said cathedral church shall require, he having a prebendal house in the close wherein to reside, and the reserved rents of his prebends together amounting to forty-five pounds per annum; and the prebends so united shall for ever after continue together, and, with the house, be from time to time conferred upon one and the same person.

Rectory of
Tattenhill
annexed to
the deanery
of Litch-
field.

II. And whereas Her Majesty, in consideration of the small income that arises to the dean out of the revenue of the said church, and the great charge he must necessarily undergo in the decent attendance upon his place and office, has been graciously pleased to permit that the rectory of Tattenhill (the perpetual advowson whereof Her Majesty is seised of in right of the duchy of Lancaster) be annexed to the said deanry; be it enacted by the authority

authority aforesaid, that the said rectory and church of Tattenhill, whenever it shall by any lawful means first become void, shall be united and annexed to the said deanery of the church of Litchfield for ever; and the dean of Litchfield then in being, upon application made to the bishop of the diocese of Litchfield and Coventry, shall receive institution to the same without presentation, and continue possessed thereof in right of his deanery so long as he shall remain dean of Litchfield, and no longer; it being the intent of this act that the dean of Litchfield and his successors for ever should always be rectors and incumbents of that church, on making such allowance to a curate or curates as the bishop for the time being shall appoint, the said dean for the time being nevertheless paying the first fruits at his instalment into the said deanery, and tenths yearly, and all other dues after the same manner as all former incumbents or persons instituted into the said rectory have hitherto done.

*Litchfield
Cathedral*
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III. And whereas the ancient and usual seat and residence for the bishops of Litchfield and Coventry is the castle of Eccleshall in the parish of Eccleshall in the county of Stafford, the patronage and jurisdiction of which church is in the prebendary of Eccleshall belonging to the said cathedral church; be it enacted by the authority aforesaid, that whenever the prebend of Eccleshall by any lawful means shall first become void, the same shall be and is hereby annexed to the bishoprick of Litchfield and Coventry for ever, and the same, together with the sole ordinary or spiritual jurisdiction of that parish, from thenceforth shall be vested in the bishop of Litchfield and Coventry for the time being, and his successors for ever; nor shall the dean and chapter of Litchfield, or any of the canons or prebendaries there, from thenceforth have, claim, or exercise any jurisdiction within the said parish; the bishop for the time being duly discharging the first fruits and tenths, and all other payments arising from the same, and, from the time that he shall become

Prebend of
Eccleshall
annexed to
the bishop-
rick of
Litchfield
and Co-
ventry.

*Lichfield
Cathedral.*
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seised thereof, allowing yearly to the vicar of Eccleshall the rent of the said prebend, over and above such augmentation as is already appointed to that vicarage by the local statutes of the cathedral church of Litchfield.

ANNO TRICESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 20.

An Act to explain and amend an Act passed in the Fourth and Fifth Years of the Reign of Her late Majesty Queen Anne, intituled "An Act for augmenting the Number of "Canons Residentiary in the Cathedral Church of "Lichfield, and for improving the Deanry and Prebends of the said Cathedral;" and to make further Provision for the Canons Residentiary in the said Cathedral Church, and an Addition to the Fabric Fund thereof. [3d March 1797.]

WHEREAS by an act passed in the fourth and fifth years of the reign of Her late Majesty Queen Anne, intituled "An Act for augmenting the Number of 4 & 5 Ann. c. 32, "Canons Residentiary in the Cathedral Church of Lichfield, and for improving the Deanry and Prebends of "the said Cathedral;" it was (among other things) made lawful to and for the bishop of Lichfield and Coventry for the time being to confer two or three prebends of the cathedral church of Lichfield on one and the same person, provided that the person collated to such second or third prebend should be obliged to perform such residence as the local statutes of the said cathedral church should require, he having a prebendal house in the close wherein to reside, and that the prebends so united should for ever continue together, and, with the house, be from time to time conferred upon one and the same person: And whereas successive bishops of Lichfield and Coventry,

*Lichfield
Cathedral.*

ventry, in pursuance of the powers given to them by the said act, have conferred two prebends upon each of four of the prebendaries of the said church, who have been since called canons residentiary of the new foundation; but inasmuch as the said act did not direct and ordain that the prebendaries who might have two prebends conferred upon them by virtue of the said act should have a vote in the chapter of the said cathedral church, consisting of the dean and four canons residentiary of the old foundation, nor any participation of the common revenues of the said chapter, they have never been admitted members of the chapter of dean and canons residentiary, or to a participation of the common revenues of the said chapter, and the dean and four canons residentiary of the old foundation, or the majority of them, have continued to do all acts of the chapter of dean and canons residentiary, exclusively of the prebendaries now called canons residentiary of the new foundation: And whereas it is expedient that all who are canons residentiary of the said cathedral church should be members of the said chapter of dean and canons residentiary, and have an equal interest in all the concerns of the said cathedral church; but the common revenues of the said chapter of dean and canons residentiary are small and insufficient even for the maintenance of four canons residentiary: And whereas an equal participation among the canons residentiary of the said cathedral church of the common revenues of the said chapter of dean and canons residentiary might conveniently take place if the whole number of canons residentiary were fixed to be six, (which was the number of canons residentiary anciently,) and an addition were made to the income of the canons residentiary of the old foundation; but the same cannot be effected without the aid and authority of parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that

that the dean and chapter of canons residentiary of the said cathedral church of Lichfield shall, as soon as this act shall have taken effect as after mentioned, and from time to time and at all times for ever thereafter, consist of the dean and six canons residentiary, who shall have the like powers and authorities in all respects as are now enjoyed by the present dean and chapter of the said cathedral church consisting of the dean and four canons residentiary of the old foundation; and that the dean for the time being shall receive one fifth part or share of the general income of the community or joint fund or estate, and also the sum of forty-two pounds and eighteen shillings for his commons, as he doth at present; and that after the deduction of that fifth part or share for the dean, and forty-two pounds and eighteen shillings for his commons, the four remaining parts or shares of the whole common receipt or income arising from the said joint fund or estate shall be divided equally among the six canons residentiary to be constituted as is herein-after mentioned.

Dean and chapter of canons residentiary to consist of the dean and six canons residentiary.

Division of the general income.

II. And be it further enacted, That all the six canons residentiary so to be constituted shall receive an equal share of all the common profits, emoluments, dividends, and commons of the residentiaryships of the cathedral church of Lichfield, and enjoy equally the same privileges as canons residentiary, and have equally a vote in the chapter of dean and canons residentiary upon all occasions, without any distinction or difference whatsoever.

The six canons to receive the same emoluments and enjoy the same privileges.

III. And whereas the four canons residentiary in the said cathedral church of the old foundation have hitherto been elected by the dean and canons residentiary of the old foundation for the time being, but inasmuch as no person can be so elected who is not possessed of a prebendal house in the close of the said cathedral church, and by reason that such houses are in the disposal of the bishop of Lichfield and Coventry, and the number of such houses does not exceed the number of canons residentiary of the old and new foundation, no person is eligible

Bishop to collate to the six residentiaryships.

*Lichfield
Cathedral.*

become vacant, the said last-mentioned house, with the appurtenances, shall belong to and become and at all times then after continue to be the residentiary house of the third residentiary, and part of the said residentiaryship, instead of the house now assigned to or enjoyed by the said Spencer Madan.

Of what
the fourth
residenti-
aryship
shall con-
sist.

VII. And be it enacted, that the fourth residentiaryship shall consist of (besides the sixth part of the dividend of the residentiaries before mentioned) the house in the close of the cathedral church of Lichfield aforesaid now assigned to or enjoyed by the Reverend William Brereton, master of arts, to which the prebend of Ruiton otherwise Ryton, founded in the said cathedral church, and now held by the said William Brereton, and also the prebend of Prees, founded in the said cathedral church, and now vacant by the death of the said Richard Jackson, shall be and the same are hereby inseparably annexed from and immediately after the passing of this act.

Of what
the fifth
residenti-
aryship
shall con-
sist.

VIII. And be it enacted, that the fifth residentiaryship shall consist of (besides the sixth part of the dividend of the residentiaries before mentioned) the house in the close of the cathedral church of Lichfield aforesaid now assigned to or enjoyed by the Reverend William Vyse, doctor of laws, and the prebends of High Offley and Flixton, founded in the said cathedral church, and now held by the said William Vyse.

Of what
the sixth
residenti-
aryship
shall con-
sist.

IX. And be it enacted, that the sixth residentiaryship shall consist of (besides the sixth part of the dividend of the residentiaries before mentioned) the house in the close of the cathedral church of Lichfield aforesaid now assigned to or enjoyed by the Reverend Matthew Lamb, doctor in divinity, and the prebend of Freeford, and also the prebend of Hansacre and Armitage, founded in the said cathedral church, and now held by the said Matthew Lamb.

Act not to
take effect
as to the
six residen-
tiaryships
until r--

X. And it is hereby further enacted and declared, that this act shall not take full effect and be in force to compel the six canons residentiary intended by this act to be constituted as aforesaid to perform their residence, or to

entitle them to a share of the dividend of the community as herein-before appointed, until the said prebends of Alrewas and Weeford, or one of them, shall become vacant; and that in the meantime, and until one of the said prebends of Alrewas and Weeford shall become vacant, the present four canons residentiary of the said cathedral church of the old foundation, and their successors respectively, shall continue to perform their residence as they are now liable to perform the same, and to hold their respective residentiaryships, and to enjoy the emoluments and jurisdictions thereof, in like manner as they now hold and enjoy the same; and that the present three canons residentiary of the said church of the new foundation, and their successors respectively, shall continue to perform their residence as they are now liable to perform the same, and to hold their respective residentiaryships or united prebends, and enjoy the emoluments and profits thereof, in like manner as they now hold and enjoy the same.

bends of Alrewas and Weeford become vacant.

Present canons to perform residence, &c. until one of such vacancies occurs.

XI. Provided nevertheless, and be it enacted, that the bishop of Lichfield and Coventry for the time being shall, on the present and every future avoidance or vacancy of the prebend of Prees aforesaid, before this act shall take full effect and be in full force with respect to the said six residentiaryships intended by this act to be constituted as aforesaid, admit and collate to the said prebend of Prees such person as for the time being shall be possessed of the said house by this act intended to be annexed to the said fourth residentiaryship; and also shall in like manner, on every future vacancy of the said prebend of Itchington, and on the present and every future vacancy of the said prebend of Colwich, and each or either of them, before this act shall take full effect and be in full force as herein-before mentioned, admit and collate to the said last-mentioned prebends respectively such person as for the time being shall be possessed of the said house by this act intended to be annexed to the said first residentiaryship; and also shall in like manner, on every future vacancy of the said prebends of Alrewas and Weeford, and each or

Bishop to collate to the prebends of Prees, Itchington, Colwich, Alrewas, and Weeford, on vacancies occurring before this act takes effect as to the residentiaryships.

either

*Lichfield
Cathedral.*

either of them, before this act shall take full effect and be in full force as aforesaid, admit and collate to the said last-mentioned prebends respectively such person as for the time being shall be possessed of the said house by this act intended to be annexed to the said second residentiaryship; and that when either of the said prebends of Alrewas and Weeford shall have become vacant this act shall take effect and be in full force in respect to the said six residentiaryships.

Incumbent
of first and
fourth resi-
dentiary-
ships to
perform
same duties
as incum-
bent of
Colwich
and Prees.

XII. Provided always, and it is hereby enacted, that the incumbents for the time being of the first and fourth residentiaryships, to which the said prebends of Colwich and Prees are by this act respectively annexed or intended to be annexed as aforesaid, shall and they are hereby required to do and perform equally between them such residence and duties as the said Richard Jackson was liable to perform in respect of the said united prebends of Colwich and Prees, or residentiaryship by him lately held as aforesaid, until such time as one of the said prebends of Alrewas and Weeford shall become vacant, when this act will be in full force with respect to the said six residentiaryships intended by this act to be constituted as aforesaid.

Drs. Vyse
and Lamb
to reside
two months
annually in
their resi-
dentiary
houses.

XIII. And be it further enacted, that the said William Vyse and Matthew Lamb respectively, from time to time and at all times after this act shall have taken effect as aforesaid, shall and they are hereby required to reside two calendar months in every year in their respective residentiary houses, and perform residence, in like manner as the four residentiaries of the old foundation do at present, or shall respectively be liable to the like penalties for non residence to which they are now respectively liable as canons residentiary of the new foundation in respect to residence for one month, and shall moreover respectively from time to time forfeit their respective shares of the whole dividend of the said six residentiaries, or a rateable and proportionable part thereof, according to the time of their respective absences; and such penalties and forfeitures shall be applied in aid of the Fabric Fund herein-after mentioned.

XIV. And

XIV. And be it further enacted, that the successors of the said William Vyse and Matthew Lamb respectively in the fifth and sixth residentiaryships, from time to time and at all times after this act shall have taken effect as aforesaid, shall and they are hereby required to reside two calendar months in every year in their respective residentiary houses, and perform residence, in the like manner as the four residentiaries upon the old foundation do at present, or shall be liable to the like penalties for non-residence to which the residentiaries of the old foundation are now liable; and such penalties and forfeitures shall be applied in aid of the said Fabric Fund; and that the first four canons residentiary for the time being respectively, from time to time and at all times after this act shall have taken effect as aforesaid, shall and they are hereby required to perform the like residence as the present four canons residentiary of the old foundation are now bound to perform, or shall be liable to penalties of the like amount for non-residence as the said canons residentiary of the old foundation are now liable unto; and such penalties and forfeitures shall be applied in aid of the Fabric Fund; and that all the six canons residentiary intended by this act to be constituted, and their successors, shall from time to time and at all times observe and keep the local statutes of the said cathedral church of Lichfield, and the said local statutes shall be and the same are hereby declared to be binding upon them and their successors individually and collectively, except in respect of such of the ordinances and regulations contained in the said statutes as are altered or rendered nugatory by the provisions of this act; and that the several successors of the said six canons residentiary shall from time to time and at all times hereafter pay such sum or sums on their respective entrances (commonly called introitus money) to the Fabric Fund as is or are now payable by canons residentiary of the old foundation on their entrances respectively.

Successors of Drs. Vyse and Lamb to reside two months annually in their residentiary houses.

First four canons to perform similar residence.

XV. And as an encouragement to the dean and all the aid six residentiaries to repair and improve the deanry and

Expences of improving deanry and resi-

residential
houses how
to be
charged.

and residential houses respectively, be it enacted, that if the dean or any of the said six residentially respectively for the time being shall, at any time or times hereafter, expend (over and above such sum or sums as he may have received or be entitled to receive on account of dilapidations) any sum above one hundred pounds, and not exceeding eight hundred pounds, in the improvement or repairs of his deanry or residential house, or any building thereto belonging, or in making any additional building thereto, with the consent and approbation of the bishop of Lichfield and Coventry for the time being, to be expressed in writing, such dean or residentially respectively, or his executors, administrators, or assigns, shall from time to time be entitled to receive from his next successor two third parts of the sum so laid out, provided the said dean or residentially respectively shall not retain his deanry or residentialship fifteen years after such expenditure, and one half part of the sum expended in case he shall retain his deanry or residentialship fifteen years or upwards after such expenditure; and that the next successor, or his executors, administrators, or assigns, shall receive from his next successor one third part of the original sum expended in such repairs or improvements if he shall have paid unto his predecessor two thirds, but if he shall have paid only one half of the original sum expended, then only one quarter of the original sum expended; which said several proportions and sums shall be recoverable by action of debt or on the case in any of His Majesty's courts of record at Westminster, in which no essoign, wager of law, protection, or more than one imparlance, shall be allowed. and the plaintiff, in case he recovers, shall be entitled to double costs: Provided always, and it is hereby declared that no dean or canon residentially shall be entitled to charge his successor with any part of a second expenditure in repairs or improvements as aforesaid until the whole of the former sum expended and allowed by the bishop for the time being shall be entirely discharged. nor in any case unless the account of the expence is

the

the repairs or improvements shall have received the approbation of the said bishop for the time being under his hand.

*Lichfield
Cathedral.*
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XVI. And be it further enacted, that all elections, presentations, nominations, leases, grants, patents, appointments, confirmations of leases, grants, and patents, and all other acts whatsoever which have in due form passed the common seal of the dean and chapter of the said cathedral church of Lichfield, consisting of the dean and four canons residentiary of the old foundation, or which have been sanctioned by the votes of the majority of them the said dean and four canons residentiary of the old foundation, are the acts of the dean and chapter of the cathedral church of Lichfield, and good and valid in law as such to all intents and purposes whatsoever, any thing to the contrary in anywise notwithstanding; and all such acts which shall be done in future by the said dean and chapter, consisting of the dean and the four canons residentiary of the old foundation, or the majority of them, or passed in due form as aforesaid under their common seal, until the provisions of this act shall have taken effect and be in full force in respect to the said six canons residentiary, shall be considered and the same are hereby declared to be the acts of the dean and chapter of the cathedral church of Lichfield, and good and valid in law as such to all intents and purposes whatsoever.

*Acts of
dean and
chapter of
old found-
ation
declared
valid.*

XVII. And whereas the fund called the Fabric Fund, which is appropriated to keeping in repair the cathedral church of Lichfield aforesaid, has been found very insufficient, and several large sums of money have been lately expended in the repairs of the said cathedral church, and considerable sums are now due and owing on the credit of the said fund, the common and ordinary revenues whereof are very inadequate to the discharge of the sums so due, and to the necessary repairs of the said church: And whereas it is expedient and proper that the said Fabric Fund should be improved and augmented; be it therefore further enacted, that it shall not be lawful for the bishop of Lichfield and Coventry, or his successors, at

*Prelends
of Terwin
and Stat-
fold, on next
vacancy,
vested in
dean and
chapter as
part of
Fabric
Fund.*

rentiary
houses how
to be
charged.

and residentiary houses respectively, be it enacted, that if the dean or any of the said six residentiaries respectively for the time being shall, at any time or times hereafter, expend (over and above such sum or sums as he may have received or be entitled to receive on account of dilapidations) any sum above one hundred pounds, and not exceeding eight hundred pounds, in the improvement or repairs of his deanry or residentiary house, or any building thereto belonging, or in making any additional building thereto, with the consent and approbation of the bishop of Lichfield and Coventry for the time being, to be expressed in writing, such dean or residentiary respectively, or his executors, administrators, or assigns, shall from time to time be entitled to receive from his next successor two third parts of the sum so laid out, provided the said dean or residentiary respectively shall not retain his deanry or residentiaryship fifteen years after such expenditure, and one half part of the sum expended in case he shall retain his deanry or residentiaryship fifteen years or upwards after such expenditure; and that the next successor, or his executors, administrators, or assigns, shall receive from his next successor one third part of the original sum expended in such repairs or improvements if he shall have paid unto his predecessor two thirds, but if he shall have paid only one half of the original sum expended, then only one quarter of the original sum expended; which said several proportions and sums shall be recoverable by action of debt or on the case in any of His Majesty's courts of record at Westminster, in which no essoign, wager of law, protection, or more than one imparlance, shall be allowed; and the plaintiff, in case he recovers, shall be entitled to double costs: Provided always, and it is hereby declared, that no dean or canon residentiary shall be entitled to charge his successor with any part of a second expenditure in repairs or improvements as aforesaid until the whole of the former sum expended and allowed by the bishop for the time being shall be entirely discharged, nor in any case unless the account of the expence of
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the repairs or improvements shall have received the approbation of the said bishop for the time being under his hand.

*Lichfield
Cathedral.*

XVI. And be it further enacted, that all elections, presentations, nominations, leases, grants, patents, appointments, confirmations of leases, grants, and patents, and all other acts whatsoever which have in due form passed the common seal of the dean and chapter of the said cathedral church of Lichfield, consisting of the dean and four canons residentiary of the old foundation, or which have been sanctioned by the votes of the majority of them the said dean and four canons residentiary of the old foundation, are the acts of the dean and chapter of the cathedral church of Lichfield, and good and valid in law as such to all intents and purposes whatsoever, any thing to the contrary in anywise notwithstanding; and all such acts which shall be done in future by the said dean and chapter, consisting of the dean and the four canons residentiary of the old foundation, or the majority of them, or passed in due form as aforesaid under their common seal, until the provisions of this act shall have taken effect and be in full force in respect to the said six canons residentiary, shall be considered and the same are hereby declared to be the acts of the dean and chapter of the cathedral church of Lichfield, and good and valid in law as such to all intents and purposes whatsoever.

Acts of
dean and
chapter of
old foundation
declared
valid.

XVII. And whereas the fund called the Fabric Fund, which is appropriated to keeping in repair the cathedral church of Lichfield aforesaid, has been found very insufficient, and several large sums of money have been lately expended in the repairs of the said cathedral church, and considerable sums are now due and owing on the credit of the said fund, the common and ordinary revenues whereof are very inadequate to the discharge of the sums so due, and to the necessary repairs of the said church: And whereas it is expedient and proper that the said Fabric Fund should be improved and augmented; be it therefore further enacted, that it shall not be lawful for the bishop of Lichfield and Coventry, or his successors, at

Prebends
of Tervin
and Stat-
fold, on next
vacancy,
vested in
dean and
chapter as
part of
Fabric
Fund.

*Lichfield
Cathedral.*

any time or times hereafter, to admit or collate any person or persons to the prebends of Tervin otherwise Tarvin and Statfold otherwise Stotfold, founded in the said cathedral church, and now held and enjoyed by the said Samuel Smalbroke, or either of them, but that immediately on the vacancy of the said prebends the same prebends of Tervin and Statfold, and each of them, with their and each of their rights, members, and appurtenances respectively, shall be and the same are hereby vested in the dean and chapter of the said cathedral church of Lichfield for the time being, and their successors for ever, as part of the said Fabric Fund, with full power and authority nevertheless to and for the said dean and chapter for the time being, with the consent and approbation of the bishop of Lichfield and Coventry for the time being (to be signified in writing under his hand and seal), to demise and lease the said several prebends of Tervin and Statfold, and each of them, with their and each of their rights, members, and appurtenances respectively, in like manner as the present prebendary of the said prebends is by the laws now in being, and the local statutes of the said cathedral church, enabled or authorized to demise or lease the same ; and all the reserved rents, fines, and emoluments to arise from the said prebends, and each of them, shall be from time to time wholly applied in like manner as the said Fabric Fund is now applicable, under the management and direction of the dean and chapter for the time being, they or their lessees nevertheless paying and discharging the yearly tenths, and all other dues and duties incident to or chargeable on the said prebends respectively, in like manner as the former and present prebendaries of the said prebends have usually done: Provided always, in case the said prebends of Tervin and Statfold shall become vacant before this act shall have taken full effect in respect to the said six canons residentiary hereby intended to be constituted as aforesaid, that then the residence and duties to which the prebendary of the said prebends of Tervin and Statfold is liable, in respect to the said united prebends or residentiaryship, shall be done and performed

Proviso.

by the four canons residentiary of the old foundation of the said cathedral church equally until such time as this act shall have taken full effect in respect to the said six canons residentiary hereby intended to be constituted as aforesaid; provided also, that if this act shall take full effect in respect to the said six canons residentiary hereby intended to be constituted as aforesaid while the said Samuel Smalbroke shall be in possession of the said prebends of Tervin and Statfold, then the said Samuel Smalbroke shall, from and after the time that this act shall have taken full effect as aforesaid, be freed and discharged from all residence as a canon residentiary of the new foundation in the said cathedral church; nevertheless the said Samuel Smalbroke shall continue to hold the said prebends of Tervin and Statfold, and each of them, and lease and demise the same, and to enjoy the profits and emoluments thereof, until the same shall become lawfully vacant.

*Lichfield
Cathedral.*
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XVIII. And be it also enacted, that on the present vacancy of the said prebends of Prees and Colwich by the death of the said Richard Jackson, the house, out-buildings, and garden, with the appurtenances, situated and being in the close of the cathedral church of Lichfield aforesaid, lately enjoyed by the said Richard Jackson, shall be, from and immediately after the passing of this act, and the same are hereby also vested in the dean and chapter of the said cathedral church of Lichfield for the time being, and their successors for ever, as further part of the said Fabric Fund; and the dean and chapter of the said cathedral church for the time being shall apply the rents and profits of and arising from the letting of the said house, garden, and premises in aid of the said Fabric Fund; and the said premises shall always be letten at the best rent or rents that can be gotten for the same, without the payment of any fine, and shall at all times be kept in tenantable repair by the dean and chapter for the time being out of the rents and profits of the said premises, or other the revenues of the said Fabric Fund, or by the tenant of the said house and premises; nevertheless

The house lately possessed by Dr. Jackson vested in the dean and chapter as further part of the Fabric Fund.

*Lichfield
Cathedral.*

it shall be lawful for the dean and chapter of the said cathedral church for the time being to demise and lease the said house and premises for any term or number of years not exceeding twenty-one years, to take effect in possession and not by way of future interest: Provided nevertheless, that it shall and may be lawful for the dean and chapter of the said cathedral church for the time being, with the consent of the bishop of the diocese for the time being, in writing under his hand, at any time or times hereafter, to appropriate or use any part of the ground on which the said house stands, and of the garden adjoining the same, for the purpose of widening and improving the approach or way from the western gates of the said close of Lichfield towards the said cathedral church.

Third resi-
dentiary to
pay one
fifth of the
fines, &c.
for renewal
of leases of
prebend of
Sawley, &c.

XIX. And, as an addition and further support to the said Fabric Fund in future, be it further enacted, that the third canon residentiary, and his successors who shall from time to time, after the resignation or other avoidance of the said Spencer Madan, become possessed of the said third residentiaryship and prebend of Sawley and treasurership, shall from time to time and at all times thereafter pay one fifth part of all fines and profits which shall be from time to time received for renewing the lease or leases of the said prebend of Sawley, or a fifth part of the rent or rents, receipt or receipts, benefit or advantage arising from the said prebend, (except of the ancient reserved rent of sixty-six pounds thirteen shillings and fourpence, and except of the profits of the rectory of Saint Philip's in Birmingham annexed to the said prebend and treasurership,) unto the dean and chapter for the time being, to be by them applied in aid of the said Fabric Fund; and in order to ascertain such fifth part, the said third residentiary shall and he is hereby required to give a true account of the amount of such fine or fines, rents, receipts, benefit, or advantage, from time to time as he shall receive the same or as they shall arise, to the said dean and the other residentiaries, verified on oath, if required, which oath the dean or any one of the other residentiaries

dentaries for the time being is hereby empowered to administer; and in case such fifth part shall not be paid within the space of one month next after the same shall have been from time to time received by such third residentiary as aforesaid, the same shall and may be recovered by action of debt or on the case in any of His Majesty's courts of record at Westminster, to be brought in the name of the registrar or chapter clerk of the said dean and chapter for the time being, in which action no essoign, protection, or wager of law, or more than one imparlance, shall be allowed; and the plaintiff, if he recovers, shall be entitled to double costs.

*Lichfield
Cathedral.*

XX. And be it further enacted, that all demises and grants which have been already made by the dean and chapter of canons residentiary of the said cathedral church, of the several tenements or hereditaments which now constitute the Fabric Fund, shall be and the same are hereby declared to be valid; and that it shall and may be lawful for the dean and chapter of the said cathedral church for the time being, from time to time and at all times hereafter, to demise and lease all or any of the said tenements and hereditaments now constituting or belonging to the said Fabric Fund for such term and terms and in such manner as the said dean and chapter are, by the laws now in being and the local statutes of the said cathedral church, enabled or authorized to demise or lease any other of their possessions.

Grants, &c.
made by
dean and
canons, of
tenements
constitut-
ing the
Fabric
Fund,
declared
valid, &c.

XXI. And whereas the building situated in the close of the cathedral church of Lichfield aforesaid, now used as the registry for depositing the wills and muniments within and belonging to the diocese of Lichfield and Coventry, is part and parcel of the prebend of Uffton ex parte Cantoris, and there is no building specially appointed for the registry of the extensive diocese of Lichfield and Coventry, but it is of great importance that there should be a safe and sufficient building so appropriated; be it therefore enacted, that from and immediately after the aforesaid house now assigned to or enjoyed by the

Providing
registry for
the diocese
of Lich-
field and
Coventry.

*Lichfield
Cathedral.*

said Samuel Smalbroke shall have become the residentiary house of the third residentiary as is herein-before provided, the said house, buildings, garden, and appurtenances situate and being in the close of the cathedral church of Lichfield aforesaid, and now assigned to or enjoyed by the said Spencer Madan, and which will then become vacant, shall be and the same are hereby appropriated unto and vested in the registrar of the diocese of Lichfield and Coventry, and his successors in the office of registrar for the time being for ever, in order that the same may be converted into a registry for the diocese of Lichfield and Coventry aforesaid, or that some part thereof may be converted into a registry, and the residue thereof into a house, offices, and garden for the use of the said registrar, or his deputy for the time being, if there shall be room for that purpose after the said registry shall be so made, and in case the bishop of Lichfield and Coventry for the time being shall consent thereto by writing under his hand.

Expences
of provid-
ing regis-
try, how to
be appor-
tioned.

XXII. And be it further enacted, that the expences attending the conversion of the same premises into such registry and house and offices, not exceeding in the whole the sum of eight hundred pounds, shall be apportioned by the bishop of Lichfield and Coventry for the time being between the then registrar or his deputy expending the same, and his and their successors, in such manner, shares, and proportions as the said bishop shall by writing under his hand appoint; and which shares and proportions shall be recovered and recoverable from the successive registrars or deputy registrars, in manner directed by the said bishop for the time being, by action of debt or on the case, in which no essoign, protection, wager of law, or more than one imparlance shall be allowed, and in which the plaintiff, in case he recovers, shall be entitled to double costs.

Spencer
Madan ex-
onerated
from all
claims in

XXIII. Provided always, and it is hereby declared and enacted, that the said Spencer Madan and his successors shall be and they are hereby exempted, exonerated, and discharged

discharged from all claims and demands whatsoever, by any person or persons whomsoever, for or in respect of the dilapidations of the said house and buildings hereby intended to be appropriated unto and vested in the registrar of the said diocese of Lichfield and Coventry as aforesaid, except such dilapidations as may be occasioned by wilful waste in taking down the said house and buildings, any law or custom to the contrary notwithstanding.

respect of
the dilapi-
dations of
the regis-
try.

XXIV. And whereas the advowsons or rights of presentation of and to the several vicarages or parish churches herein-after mentioned are now vested in the prebendaries of several prebends founded in the said cathedral church of Lichfield in right of the said prebends respectively, which prebends are in the patronage of the bishop of Lichfield and Coventry: And whereas the patronage of the bishop of Lichfield and Coventry will be diminished by the provisions contained in this act; be it therefore enacted, that the perpetual advowson or right of presentation or collation of, in, and to the vicarage and parish church of Colwich in the county of Stafford shall, from and immediately after the passing of this act, become and be part of the patronage of the bishop of Lichfield and Coventry and his successors, and shall from time to time and at all times hereafter be presented or collated to by the bishop of Lichfield and Coventry for the time being, whenever and as often as the said vicarage or parish church of Colwich shall become vacant; and that the perpetual advowsons or rights of presentation or collation of, in, and to the several vicarages and parish churches of Bishops Itchington and Tachbrook in the county of Warwick, and of Longdon and High Offley in the county of Stafford, and of Tervin otherwise Tarvin in the county of Chester, and each and every of them, shall also become part of the patronage of the bishop of Lichfield and Coventry, and from time to time and at all times hereafter be collated or presented to, as the case may require, by the bishop

Advow-
sons of the
vicarages of
Colwich,
Bishops
Itchington,
Tachbrook,
Longdon,
High
Offley,
and Tervin
vested in
the bishop
for the time
being.

*Lichfield
Cathedral.*

of Lichfield and Coventry for the time being, whenever and as often as the said vicarages and parish churches respectively shall become vacant, after the death, cession, resignation, or other avoidance of the several prebendaries who are at present patrons of the said last-mentioned vicarages and parish churches respectively in right of their respective prebends founded in the said cathedral church of Lichfield, but not upon any vacancy or avoidance before the cession, death, resignation, or other avoidance of the several prebendaries who are at present patrons of the said last-mentioned vicarages and parish churches respectively in right of their respective prebends as aforesaid.

Certain
parts of
4 & 5 Ann.
c. 32. re-
pealed.

XXV. And be it further enacted, that so much of the said in part recited act of the fourth and fifth years of the reign of Her late Majesty Queen Anne as enacts or declares that the prebends authorized by the said act to be united shall for ever continue together, and, with the house, be from time to time conferred upon one and the same person, and that there shall be eight canons residentiary of the said cathedral church, shall, from and after this act shall have taken effect as aforesaid, be and the same is hereby repealed, save and except only with respect to the union and consolidation of the said prebends of High Offley and Flixton, and the said prebends of Freeford, and Hansacre, and Armitage, herein-before mentioned: Provided that nothing in this act contained shall restrain or abridge the said Samuel Smalbroke from holding the prebends by him now held in the said cathedral church of Lichfield, and enjoying the profits and emoluments thereof, in manner as he would have been entitled to have held and enjoyed the same had not this present act been made and passed; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

General
saving.

XXVI. Saving always to the King's most Excellent Majesty, His heirs and successors, and to all and every other person and persons, bodies politic and corporate,
his,

his, her, and their heirs, successors, executors, and administrators, (other than those meant and intended to be affected or barred by this act,) all such estate, right, title, and interest as they, every or any of them, had or enjoyed of, in, or to the said premises, or any of them, before the passing of this act, or could or might have had or enjoyed in case the same had not been made.

*Lichfield
Cathedral.*

*Litchfield
Cathedral.*

ANNO SEPTIMO

ANNÆ REGINÆ.

Cap. 34.

Part of An Act for building a Parish Church and Parsonage House, and making a new Churchyard and a new Parish, in Birmingham in the County of Warwick, to be called the Parish of Saint Philip.

A NEW church to be erected in Birmingham, with a parsonage house, and a cemetery. § 1.

Boundaries of the parish described, and the church declared to be a parish church, and to be known by the name of Saint Philip, and to be a rectory. § 6.

Endowment of the said new church by rates of burials and pews. Such rates not to be altered without consent of the bishop. § 9.

The advowson to be in the bishop of Coventry.

X. And be it further enacted by the authority aforesaid, that the *patronage, advowson, donation, or presentation of and to the said rectory of the said new church shall appertain and belong to and be hereby vested in the lord bishop of Coventry and Litchfield for the time being and his successors for ever.

Prebend of Sawley, when void, to be conferred by the bishop upon the rector of the said new church.

XI. And that for the better livelihood and maintenance of the said rector the prebend of Sawley in the cathedral church of Litchfield, whenever it shall become void, shall be conferred by the said bishop for the time being on such person as shall be then rector of the said new

* Transferred to the bishop of Worcester by order in council, dated 22d December 1836, under the authority of the act 6 & 7 W. 4. c. 77. s. 1. prop. 40. p. 9.

church :

church; and that the said bishop shall collate him to it, and possession shall be given him of it in such form and manner as is usual, and under such conditions as the statutes of the said cathedral church shall require, to have and to hold the same so long as he shall continue rector of the said new church in Birmingham, and no longer; and whenever by his death, or by any other means, the said church shall become void, the said prebend shall remain united and annexed to the said rectory for ever; that is to say, the succeeding rectors shall be collated to the said prebend and installed into it as usual, under the obligation of all duties, burdens, and charges to which the said prebend is or may hereafter be subjected by the statutes of the said cathedral church.

*Lichfield
Cathedral.*
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XIII. Provided always, and be it enacted, that all the rectors of the said parish church of Saint Philip shall be presented, collated, instituted, and inducted as other rectors, parsons, and vicars are accustomed to be.

Rector
shall be
presented
as other
rectors, &c.

XV. Provided always, and be it further enacted, that the present church and the said new church in Birmingham aforesaid shall from time to time and at all times hereafter be repaired by the whole town and all the inhabitants thereof in common, without distinction of parishes, any thing herein to the contrary notwithstanding.

Proviso for
repairs of
the present
church and
the new
church.

*Lichfield
Cathedral.*

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

* C A P. CXVII.

Part of An Act for erecting a new Church, to be called Christchurch, in the Town of Birmingham in the County of Warwick, and for providing a Maintenance and Residence for the Minister or Perpetual Curate thereof. [5th July 1803.]

A NEW church to be erected in Birmingham, with a house for minister, &c. § 1.

Church to
be conse-
crated.

Minister
thereof to
be appoint-
ed by the
bishop of
Lichfield
and Coven-
try.

XIII. And be it further enacted, that as soon as the said new church shall be erected, built, and finished, and in the judgment of the lord bishop of Lichfield and Coventry for the time being made fit for the performance of divine service therein, it shall be lawful for the said bishop and he is hereby authorized and required to consecrate the same, and after such consecration the same shall be and be deemed a perpetual cure, and shall be called and distinguished by the name of Christchurch in Birmingham for ever; and that it shall be lawful for the said bishop of Lichfield and Coventry, or his successors, immediately after the said church shall be consecrated, to nominate, appoint, and license a minister or perpetual curate to the said church, duly qualified according to law, to officiate and perform divine service therein; and the minister or perpetual curate of the said new church for the time being shall be deemed and taken by virtue

* An amending Act passed in 50 Geo. 3. (cap. 130.), but it contains nothing which need be inserted here.

of this act to be incorporated and made one body politic and corporate by the name of "The minister or perpetual curate of Christchurch in Birmingham in the county of Warwick," and by that name shall have perpetual succession, and shall sue and be sued in all courts of the realm, and shall and may purchase, receive, or take, upon any donation, gift, or conveyance, lands, tenements, or hereditaments to him and his successors, ministers or perpetual curates of the said new church, for ever, not exceeding the yearly value of two hundred pounds over and above what is settled on the said minister or perpetual curate and his successors by this act, the statute of mortmain, or any other law or statute whatsoever, to the contrary notwithstanding; and the said new church, together with the house to be provided for the residence of the minister or perpetual curate of such new church as hereinbefore mentioned, shall be vested in the minister or perpetual curate for the time being, and his successors, ministers or perpetual curates of the said new church, for ever, in the same manner as the freehold and inheritance of a parish church and parsonage house are by the laws of this realm vested in the incumbent thereof; and the new church, and the ministers or said perpetual curates thereof for the time being, as also the persons who shall act as the churchwardens thereof, shall be under and subject in all respects to the ordinary ecclesiastical jurisdiction by law established.

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Cathedral.*

The church and officers to be subject to the jurisdiction of the bishop.

XIV. And be it further enacted, that the advowson, right of patronage and nomination, and of licensing a minister or perpetual curate to the said new church, shall appertain and belong to and be hereby vested in the lord bishop of Lichfield and Coventry for the time being, and his successors for ever*; and that for the better livelihood and maintenance of the minister or perpetual curate of the said new church, the prebend of

Right of presentation to be vested in the bishop of Lichfield and Coventry.

* Transferred to the bishop of Worcester by order in council, dated 22d December 1836, under the authority of the Act 6 & 7 W. 4. c. 77. s. 1. prop. 40. p. 11.

**Lichfield
Cathedral.**

Tachbrooke founded in the cathedral church of Lichfield, whenever it shall become void, shall be conferred by the said bishop for the time being on such person as shall then be minister or perpetual curate of the said new church, and that the said bishop shall collate him to it, and possession shall be given him of it in such form and manner as is usual, and under such conditions as the statutes of the said cathedral church shall require, to have and to hold the same so long as he shall continue minister or perpetual curate of the said new church in Birmingham, and no longer; and whenever by his death, or by any other means whatsoever, the said new church shall become void, the said prebend also shall become void, to the intent that the said prebend shall be always annexed to, united, and holden with the said new church for ever; and the succeeding and every succeeding minister or perpetual curate of the said new church shall be collated to the said prebend, and installed into it as usual, under the obligation of all duties, burthens, and charges to which the said prebend is or may hereafter be subjected by the statutes of the said cathedral church: Provided nevertheless, and it is hereby declared, that nothing in this act contained shall in any sort extend to alter the estate or interest of the present prebendary of Tachbrooke in the said prebend, but that he may let any lease or leases as heretofore has been usual, the same not being contrary to the laws and statutes of the realm respecting the leases of corporations sole.

Church to
be kept in
repair by a
general
levy on the
inhabitants.

XVIII. And be it further enacted, that when and as soon as the said new church shall be built and completed by virtue of this act the same shall thenceforth for ever be supported and kept in repair by a general rate or levy upon the inhabitants of the said town of Birmingham, in like manner as the other churches in the said town are supported and kept in repair.

Seats and
kneelings
in the gal-
leries vested
in the
minister.

XIX. And be it further enacted, that the right, property, and interest of the several seats or pews in the galleries to be erected in the said church shall and are hereby declared to be vested in the minister or perpetual
curate

curate of the said church, and his successors for ever, to be let out by him to any person or persons, being inhabitants in and near the said town of Birmingham only (subject to the restrictions herein-after mentioned), who shall be willing to contract and agree for the same, at such rent as shall be settled at a general meeting of the said trustees to be holden for that purpose within one month after the consecration of the said new church, or the major part of such trustees at such meeting assembled.

*Lichfield
Cathedral.*
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XX. And be it further enacted, that the said trustees, or any five or more of them, shall and they are hereby required to cause the several seats or pews in the galleries of the said church to be numbered, and the several numbers of the said seats to be entered in a book, and also the annual rent at which the same shall be set or let by the said minister or perpetual curate as aforesaid, which book shall be kept and preserved in the vestry of the said church, and shall be open to the inspection of all persons renting or occupying any of the said seats or pews, at all seasonable times, without fee or reward. [*Remainder of section, mode of recovering pew rents.*]

Seats in
the galleries
to be num-
bered.

XXI. And be it further enacted, that two third parts in number of the seats to be erected in the said galleries shall be let by the said curate at such prices as the said trustees, or the major part of them, may think proper, but that the remaining third part in number of the said seats shall not be let for a sum exceeding seven shillings for each seat, nor for less than the sum of two shillings and sixpence for each seat by the year, for the space of fifty years next after the passing of this act; out of which annual rents the minister or perpetual curate of the said new church shall pay to the clerk officiating therein a sum not less than fifteen pounds per annum; and in letting or setting the said two third parts in number of the said seats, the rents of which are not by this act limited, preference shall be given in the choice of such seats to persons subscribing the largest sums of money for building and completing the said church as aforesaid, provided such preference be claimed within one month after the

Limitation
of rent for
seats.

rates

Lichfield
Cathedral.

rates or prices at which the said seats or pews are to be let or set shall have been ascertained as aforesaid; and if any disputes respecting the said seats shall arise between two or more subscribers of equal sums of money, such dispute shall be determined at a meeting of the said trustees by way of ballot.

Minister taking larger rents than those settled by trustees to forfeit not exceeding ten pounds nor less than five pounds. § 23.

Nothing in
this act to
affect the
rights of the
ministers
of certain
churches
and chapels
in Birmingham.

XXVII. Provided always, and it is hereby enacted and declared, that nothing in this act contained shall extend or be construed to extend to prejudice, impeach, or defeat any right, title, interest, claim, or demand of the rectors of either of the parish churches or the ministers of Saint Bartholomew's Chapel, Saint Paul's Chapel, and Saint Mary's Chapel in Birmingham aforesaid, or the curates or other officers of the said churches or chapels, or their successors respectively, to any tithes, offerings, surplice fees, oblations, obventions, and other ecclesiastical rights, dues, fees, duties, benefits, or advantages arising within the said parishes, and belonging to them or any of them respectively; but the said tithes, offerings, surplice fees, oblations, obventions, and other ecclesiastical rights, dues, fees, duties, benefits, and advantages, shall be paid and payable in the same manner as they were respectively before the passing of this act, or would or ought to have been in case this act had not been made: Provided that it shall and may be lawful for the said minister or perpetual curate to visit the sick, and administer private baptism to sick children in danger of death, in any part of the town of Birmingham aforesaid.

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

C A P. XXXI.

*An Act for facilitating the Sale of Church Patronage be-
longing to Municipal Corporations in certain Cases.*

[4th July 1838.]

WHEREAS by an act passed in the session of parliament holden in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," (as the same act is altered by another act passed in the then next session of parliament, intituled "An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage,") it is enacted, that in every case in which any municipal body corporate, or any particular class, number, or description of members, or the governing body of such body corporate, is or are in their corporate capacity, and not as charitable trustees, seised or possessed of any manors, lands, tenements, or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendant or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment, every such advowson, and every such right of nomination

5 & 6 W. 4.
c. 76. s. 139.6 & 7 W. 4.
c. 77. s. 26.

*Municipal
Corporation
Patronage.*
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nomination and presentation, shall be sold, at such time and in such manner as the ecclesiastical commissioners for England may direct, so that the best price may be obtained for the same; and the council of such body corporate is authorized and required, with the consent of the said commissioners, to convey and assure, under the common seal of such body corporate, such advowson, or such right of nomination or presentation, to the purchaser or purchasers thereof: And whereas in some instances the manors, lands, tenements, or hereditaments whereof some municipal corporations are seised were granted to them with an obligation to nominate, provide, and sustain in certain churches or chapels able and fit priests, curates, preachers, or ministers, for the performance and administration of ecclesiastical duties and rites therein, and for the cure of the souls of the parishioners and inhabitants of the parishes or places thereunto belonging; and although such corporations have from time to time duly nominated and provided such priests, curates, preachers, or ministers, and paid stipends for their sustenance, and have either provided houses for their residence or made allowances in lieu thereof, yet such stipends and allowances have not been fixed or assured by any competent authority; and for want of any regular endowment or augmentation of such curacies they have not become perpetual cures, or benefices presentative, and the curates have not become bodies politic and corporate within the meaning of an act passed in the first year of the reign of His Majesty King George the First, intituled "An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of poor Clergy," and of an act passed in the thirty-sixth year of the reign of His Majesty King George the Third, intituled "An Act for the further Support and Maintenance of Curates within the Church of England, and for making certain Regulations respecting the Appointment of such Curates, and the Admission of Persons to Cures augmented by Queen Anne's Bounty, with respect to the Avoidance of other Benefices;" by reason whereof doubts

1 G. 1. c. 10.
a. 54.

36 G. 3.
c. 83. a. 3.

doubts have arisen whether the right of nominating ministers to such churches and chapels can be sold under the provisions of the said first herein-before recited act; and it is expedient that such doubts should be removed: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every right of nomination of every such priest, curate, preacher, or minister, which at the time of the passing of the first herein-before recited act was vested in any municipal corporation, or in any member of such corporation in virtue of his office as such, shall and may be sold, at such time and in such manner as the said commissioners may direct, and shall by such conveyance or assurance as is in the said first-recited act mentioned become vested in the purchaser thereof, his heirs and assigns; and that from and after such sale and assurance every such curacy, preachship, or ministry shall become a benefice presentative within the meaning of the said recited act of the thirty-sixth year of the reign of King George the Third; and every such curate, preacher, or minister, and his successors for ever, shall become and be a body politic and corporate within the meaning of the said recited act of the first year of the reign of King George the First, and shall have perpetual succession, and shall be capable of taking and holding in perpetuity all such lands, tithes, tenements, hereditaments, monies, goods, and chattels as shall be granted unto or purchased for them respectively by the governors of the bounty of Queen Anne, or by other persons contributing with the said governors as benefactors; and every such purchaser, his heirs and assigns, may present to such benefice, from time to time when and as the same shall become vacant, in the same manner, to all intents and purposes, as patrons may now present to benefices presentative.

*Municipal
Corporation
Patronage.*
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Right of
nomination
vested in
municipal
corpora-
tions may
be sold.

II. And be it enacted, that notwithstanding any such sale and conveyance as aforesaid every such corporation,

Notwith-
standing
any sale, the
property to

be liable to same obligations as previous thereto.

and the property belonging thereto, shall continue liable to the same obligations (if any) of providing for and maintaining or contributing to the maintenance of any such priest, curate, preacher, or minister, to which such corporation and property would have been liable if no such sale and conveyance had taken place; and such liability (if any) may be enforced by the same means, at the instance of Her Majesty, Her heirs or successors, or otherwise, as if the first herein-before recited act had not been passed, and the right of nominating such priest, curate, preacher, or minister had remained vested in such corporation.

Municipal corporations may augment and endow priestships, &c. as heretofore.

III. Provided always, and be it hereby further enacted, that nothing in this act or in the said first-recited act contained shall preclude any municipal corporation seised of any manors, lands, tenements, or hereditaments, subject to an obligation to nominate and provide any such priest, curate, preacher, or minister, from augmenting and endowing such priestship, curacy, preachership, or ministry, either by the assigning of a competent portion of such manors, lands, tenements, or hereditaments to such priest, curate, preacher, or minister, and his successors, or by charging thereon an annual stipend, either in money or in kind, for his and their use and benefit, in as full and ample manner as such corporation might have done before the passing of the said first-recited act: Provided always, that no such augmentation or endowment shall be valid without the consent of the lords commissioners of Her Majesty's treasury or any three of them.

Act to apply to previous, present, and future sales.

IV. And be it enacted, that this act shall be deemed and taken to apply as well to sales already made, and to sales now in progress, as also to sales which shall hereafter be made.

Act may be amended this session.

V. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

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